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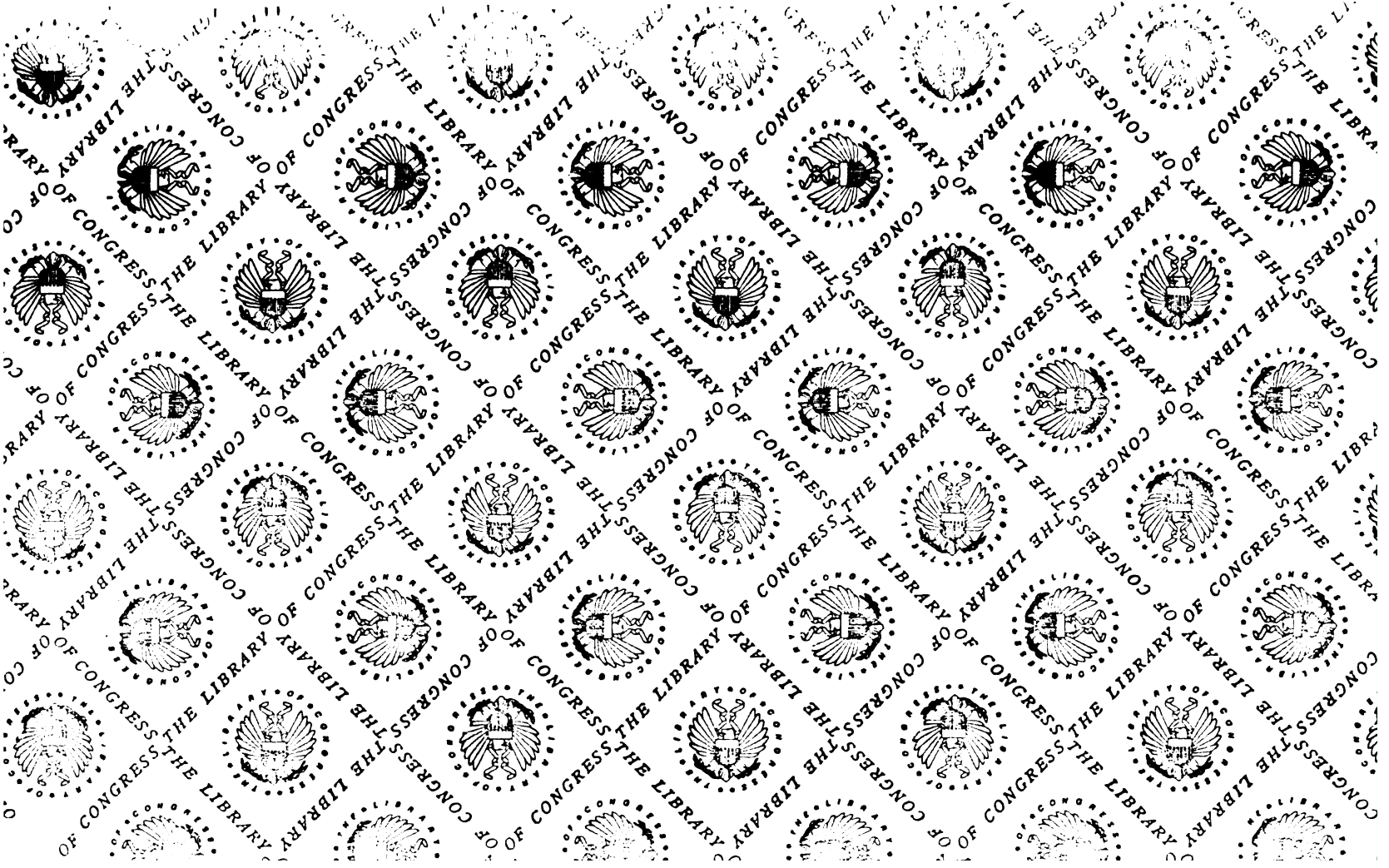
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TREATY OF PEACE WITH GERMANY

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

SIXTY-SIXTH CONGRESS

FIRST SESSION

ON THE

TREATY OF PEACE WITH GERMANY, SIGNED AT VERSAILLES ON JUNE 28, 1919, AND SUBMITTED TO THE SENATE ON JULY 10, 1919, BY THE PRESIDENT OF THE UNITED STATES

Printed for the use of the Committee on Foreign Relations

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TREATY OF PEACE WITH GERMANY.

THURSDAY, JULY 31, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met at 10.30 o'clock a. m., pursuant to the call of the chairman, in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present, Senators Lodge (chairman), McCumber, Fall, Knox, Harding, Johnson, Moses, Hitchcock, Williams, Swanson, Pomerene, Smith, and Pittman.

STATEMENT OF MR. BERNARD M. BARUCH.

The CHAIRMAN. Mr. Baruch, what is your title—one of the advisers of the American mission at the peace conference?

Mr. BARUCH. Economic adviser.

The CHAIRMAN. I want to ask you a question first that does not come directly under your economic clauses, but one about which I thought possibly you might know. Article 237 on page 253, says:

> The successive installments, including the above sum, paid over by Germany in satisfaction of the above claims will be divided by the Allied and Associated Governments in proportions *which have been determined upon by them in advance* on a basis of general equity and the rights of each.

Do you know if that determination has been reached, and if it has been omitted in the document?

Mr. BARUCH. I understood it had not been reached.

Senator MCCUMBER. Then, it should read, "which shall have been determined," rather than "which have been determined," should it not?

The CHAIRMAN. The statement in article 237 is incorrect, of course?

Mr. BARUCH. Let me see how it reads in the French. The French would mean "following the proportions determined by them in advance."

The CHAIRMAN. I did not compare it.

Mr. BARUCH. It gives an incorrect translation. You see, it says "déterminées par eux à l'avance." The translation is not exactly correct.

The CHAIRMAN. It says "seronts répartis par les Gouvernments alliés et associés, suivant les proportions déterminées par eux à l'avance et fondées sur l'équité et les droits de chacun." Apparently the French is correct and ours is incorrect.

Senator MOSES. What is your point with reference to that translation?

The CHAIRMAN. The French says "shall be" and ours is "have been."

Senator MOSES. The French says "seront répartis"—will be divided.

Mr. BARUCH. I think you are referring to the one a little further down.

Senator MOSES. There is only one place. I do not get your point.

Mr. BARUCH. The point is "which have been determined." The French means "determined by them in advance."

The CHAIRMAN. This says "which have been determined." That does not give the sense of the French clause, certainly.

Senator HITCHCOCK. The English text should leave out the words "which have been?"

Mr. BARUCH. In proportions determined upon by them in advance.

Senator MOSES. "Which have been" should be omitted, then?

The CHAIRMAN. I do not think it is clear in either language.

Mr. BARUCH. It does not seem to me that is a correct translation of the French. I am not a French scholar, but that is the way it seems to me.

The CHAIRMAN. On second thought, I think it is pretty nearly correct.

Senator MOSES. It is the past participle.

Senator SWANSON. It simply means that whatever distribution is made, the Allies shall agree.

The CHAIRMAN. This speaks of it as having been determined. It says "which shall have been determined." I think the French is pretty nearly the same, on second thought.

Senator KNOX. Mr. Baruch, you say that this distribution has not been determined upon, so far as you know. Is that correct?

Mr. BARUCH. Up to the time that I left it had not been, so far as I know.

Senator KNOX. Had there been any conversations on the subject—any effort to arrive at a basis?

Mr. BARUCH. There had been some discussion.

Senator KNOX. Was there any tentative plan drawn up?

Mr. BARUCH. Not that I was aware of.

Senator KNOX. Do you recall what proportion the United States had in this distribution?

Mr. BARUCH. No, sir.

Senator KNOX. Can you suggest approximately what proportion?

The question of the United States getting an interest in the reparation has not been decided. I believe it is a matter that is under discussion.

Senator KNOX. Between whom were these discussions held, especially with reference to whether the United States should or should not have any proportion of the indemnity?

Mr. BARUCH. I think those matters would be a question for determination by the President, rather than anybody else—or for this body.

Senator KNOX. The President alone, or the President in conjunction with the Congress?

Mr. BARUCH. You would be a better judge of that than I, as to what the procedure would be.

Senator KNOX. You said a moment ago, as I understood you, that the question as to whether the United States should participate in this reparation had not been determined?

Mr. BARUCH. So far as I understand.

Senator KNOX. Was there any suggestion that the United States should not participate?

Mr. BARUCH. That was a part of it—that we should not be paid any reparation.

Senator KNOX. I understood the President to say in his address to the Senate on July 10 that we were not to have any share in the reparation, and I wondered whether that fact had been determined, or whether he was foreshadowing his own purposes with respect to that?

Mr. BARUCH. I understand that that has been the President's view.

Mr. KNOX. That is all, as far as I am concerned.

Senator MOSES. Have the members of the Reparation Committee been tentatively determined upon by the other powers so far as you know?

Mr. BARUCH. The membership?

Senator MOSES. Yes.

Mr. BARUCH. No.

Senator MOSES. Who were the members of this group who held the conversations with reference to reparation?

Mr. BARUCH. Did your question refer to the permanent Reparation Commission?

Senator MOSES. Yes.

Mr. BARUCH. I understand it has not been appointed for the permanent Reparation committee, but they desired to have an ad interim or provisional commission.

Senator MOSES. The President's letter would indicate that provisional selections had been made by all the powers.

Mr. BARUCH. That I am not aware of; I do not know whether they have been selected, or who they were. In the newspaper reports there were names mentioned, but I do not know how correct they were.

Senator MCCUMBER. Was it your understanding of the President's view that we should not have any reparation for the sinking of ships before the war?

Mr. BARUCH. That matter would not be covered by reparation. That comes under the head of prewar claims and is not a war claim. That is not a matter of reparation.

Senator KNOX. Pardon just one other question in connection with the suggestion of our nonparticipation in the indemnity. I understood you to say that you thought that was a question for the President's determination.

Mr. BARUCH. I would rather put it, "for determination." I do not know exactly who would determine it.

Senator KNOX. On the question of our renouncement of our share of the indemnity in the Boxer affair, at the time of the Boxer outbreak, do you recall how that was determined, whether by the President or by Congress?

Mr. BARUCH. No; I do not know.

The CHAIRMAN. The committee desire to have some explanation of two paragraphs appearing on page 371 [reading]:

(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder; any credit balance in favour of Germany resulting therefrom shall be dealt with as provided in Article 243.

(2) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Germany shall be paid immediately to the person entitled thereto or to his Government; the proceeds of the property, rights and interests, and the cash assets, of German nationals received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power and if retained the cash value thereof shall be dealt with as provided in Article 243.

It makes a different disposition. We should like to know about that choice that was there given as to adopting section 3.

Senator SWANSON. Suppose you put in article 243.

Mr. BARUCH. That should be the distribution.

The CHAIRMAN. That simply arranges as to the distribution, but what the Senator wanted to find out about, and what the committee desired to find out about, was about this choice that was here given.

Mr. BARUCH. I will be glad to answer that question, but perhaps the rest of the committee would like to know exactly how the economic commission functioned. If you would, I would like to read a little statement here. I think it might interest the committee to learn somewhat how our committee functioned mechanically and how we arrived at our decisions. It will only take two or three minutes to read it, and then I will answer the question which was asked. I think you can understand my answer better if I read this first.

The CHAIRMAN. Certainly, read it.

Mr. BARUCH. The clauses of the peace treaty dealing with economics, customs, enemy property and industrial property, were drawn up by the economic commission, which was made up of representatives of all of the larger powers, representatives of certain of the smaller powers being associated with them from time to time.

The work was divided among subcommissions, to consider the various phases of the subject. These subcommissions considered, for example, such matters as customs tariffs and navigation, commercial treaties, prewar debts, prewar contracts, the disposal of enemy property, industrial property (patents, copyrights, etc.).

In order to cover the field, we invited to Paris the following gentlemen:

Dr. Frank Taussig, chairman of the United States Tariff Commission, to deal with the subjects of customs duties and the like subjects. These he handled, together with Prof. A. A. Young, who was already attached to the peace commission, and who had been making a special study of these subjects before Dr. Taussig's arrival.

There was also associated with the advisory staff Mr. F. K. Nielsen, who was formerly one of the solicitors of the State Department.

Mr. J. E. Brown, who had made a study of patents, and who, together with Mr. Pennie, one of the leading patent lawyers in America, looked after industrial property and patents.

We also had associated with us Mr. Alex. Legge, formerly vice chairman of the War Industries Board; Mr. L. L. Summers, who had

been technical advisor of the War Industries Board; and Mr. Charles H. MacDowell, head of the chemical section of the War Industries Board; also Mr. Bradley Palmer, who had been one of the legal advisors of the Alien Property Custodian; and Mr. Chandler Anderson, formerly counselor of the Department of State for a short time.

We all met as a group from time to time, in order to compare notes, and the entire economic clauses were gone over and subjected to criticism by this group.

For the meetings of the international subcommissions each country selected its expert to sit upon the various matters. The chairmen were of different nationalities; thus the chairman of the customs commission was an American, of the commercial treaties commission an Italian, of the property commission a Frenchman, and so on. Covering a period of several weeks these subcommissions sat frequently; toward the end they sat almost continuously. American experts upon these subcommissions made frequent reports to the American members of the commission, and all were thus in close touch with the progress of the work.

In accordance with the plan adopted, these subcommissions, when they arrived at a conclusion, presented such reports to the main Economic Commission for approval, amendment or rejection. In this way the points of each particular topic were reviewed again, and as report after report of these subcommissions was adopted by the main commission, the reports were carefully drawn together so as to make a whole. The reports of the main commission were finally submitted to the Supreme Council for approval, substantially in form as appears to-day in the treaty text.

The work of all the men connected with these prolonged discussions was done with the highest order of zeal, intelligence and efficiency, and we can feel that the best interests of the United States were looked after.

As an evidence of the way in which the work was prepared for consideration by the American delegation, I will submit to you a copy of draft of economic clauses, privately printed, with comments and explanations of the various American delegates.

On one side you will find an explanation of each clause, and on the other the comment of the American delegate.

Further I will be glad to submit to you a concise statement of the economic clauses made by the various expert advisers immediately after the treaty was adopted, being explanatory of what they mean and what effect they would have upon American interests.

Senator MOSES. That summary is already prepared?

Mr. BARUCH. Yes, sir.

Senator WILLIAMS. What page?

Mr. BARUCH. I have not the same text that you have, Senator.

The CHAIRMAN. Paragraphs (1) and (2) giving the choice whether the Powers would accept section 3.

Senator WILLIAMS. Page 371 of the text.

Mr. BARUCH. That was in reference to the selection of the clearing-house system, which was put forth primarily by England. The American delegation did not feel that that was one that we should adopt.

Senator HITCHCOCK. Please explain what the clearing-house system was.

Mr. BARUCH. The central part of the clearing-house arrangement is that relating to prewar debts, and the procedure with reference to prewar debts shows the nature of the scheme.

Each country begins by guaranteeing to the other the debts due by its own citizens. Germany, for instance, guarantees that debts due by Germans to Englishmen shall be paid. England, on the other hand, guarantees that debts due by Englishmen to Germans shall be paid. Various incidental provisions are made with regard to the process of ascertaining and checking these debts, but they are not important for the essentials of the scheme.

All these debts, when ascertained and checked, are reported to certain clearing offices defined in the treaty. If it should appear that Germany owes to England more than England owes to Germany, as ascertained at the clearing offices, Germany pays the balance in cash to England. If, on the other hand, it appears that England owes a balance to Germany, the balance is not paid by England in cash, but is set aside as a credit to Germany's account in connection with reparations or other obligations which Germany must assume under the treaty. That refers to paragraph 243. Attention should be called to this feature of the general process of settlement. Since Germany has large obligations to meet, more particularly for reparations, anything that is left to her credit is simply turned into what may be called a "pool," namely, the general accumulation of assets and resources which Germany must utilize in order to meet reparation charges and the like.

The clearing-house settlement arrangement is further applied to the liquidation of German property. England, for example, has seized or sequestrated certain property situated in England and belonging to German nationals. This property is held as a security or pledge for repaying damages or sequestration losses incurred by Englishmen who may have had property situated in Germany. Any balance left in England's hand after these property losses in Germany are met, is again regarded as a balance for the "pool" or reparation assets, is reported to the clearing house, and is available for reparation purposes.

It is a natural part of this arrangement that the German Government itself undertakes to recompense its own nationals (Germans) who may have debts due to them or may be the owners of property taken over by the British Government—I simply use the British as an example. The German nationals are not expected to suffer, but their indemnification is left to their own Government.

Senator WILLIAMS. All this is credited to Germany as part of her reparation?

Mr. BARUCH. Yes, sir.

The whole arrangement did not seem to the United States representatives a desirable one for this country, and from the start they stated that the United States would not enter on it. The treaty provides (article 296, clause "e") that no country shall be bound by it unless affirmative notice of its acceptance is given, and our expectation is that no such affirmative notice will be given by the United States.

Senator SWANSON. That is limited to prewar debts?

Mr. BARUCH. Yes; prewar debts.

Senator SWANSON. Take the German property that there is in the United States. Under section 3, how would that property be distributed?

Mr. BARUCH. German property that has been seized by the custodian?

Senator SWANSON. Yes.

Mr. BARUCH. That property is left in the hands of Congress, to do with it as it wishes.

Senator SWANSON. Under this treaty?

Mr. BARUCH. Absolutely.

Senator SWANSON. Then the treaty does not make any disposition of that property, I understand.

Mr. BARUCH. No, sir. It leaves it in the hands of Congress to dispose of. But, in addition, under that treaty it has been given additional rights of use. It can be held as a set-off against American property in Germany. It can be used for the payment of prewar claims like the *Lusitania*, and other prewar claims.

Senator SWANSON. Do you know the section of the treaty where that is particularly provided for?

The CHAIRMAN. We will come to that later, when we take up the alien property provisions.

I understand that you take advantage of the privilege granted in paragraph (2) and do not adopt paragraph (3)?

Mr. BARUCH. Yes, sir; that is our recommendation.

The CHAIRMAN. Well, now, we might as well go to the alien property division.

Senator SWANSON. If we do not accept section 3, what is the method of settling claims, with section 3 eliminated? We might as well get that clear.

Mr. BARUCH. Congress will have to make disposition and set up machinery, as I understand it, to meet the situation.

Senator SWANSON. The treaty does not set up any machinery except under section 3.

Mr. BARUCH. The machinery that would be set up affecting us would be the mixed tribunal, and that was done in order to enable American citizens, or to protect American citizens—that is not exactly the word, but you will get my meaning—against the necessity of going into Germany to get jurisdiction there. It provides a mixed tribunal to try the case.

Senator SWANSON. And all this treaty does as to section 3 is to create a mixed tribunal to fix the relative indebtedness of German and American citizens.

Mr. BARUCH. Our courts are to settle all questions for Americans.

Senator WILLIAMS. We would have to institute something like the Spanish Treaty Claims Commission, or some sort of organization.

Mr. BARUCH. I believe that Mr. Palmer, who has given study to that and who is familiar with it, is probably working on that.

Senator HITCHCOCK. The national of every other country must depend upon this international commission in order to secure his claim against Germany.

Mr. BARUCH. If his Government elects in the first instance.

Senator HITCHCOCK. Is each Government free to elect?

Mr. BARUCH. Yes; either system.

Senator KNOX. Where do you find that, Mr. Baruch, in the treaty; what page and section?

Senator SWANSON. It is on page 351, subparagraph "e." Now, I understand that if Germany has any claims against the United States they must sue in our courts?

Mr. BARUCH. A German citizen; yes.

Senator SWANSON. Now, if a citizen of the United States has a claim against a German in Germany, Germany has agreed to create a mixed commission to ascertain that indebtedness.

Mr. BARUCH. Yes, sir.

Senator WILLIAMS. Senator Knox, what you are inquiring for is subparagraph "e" on page 351.

Mr. BARUCH. Does that answer your question, Senator?

Senator KNOX. Yes; thank you.

Senator FALL. May I ask you a question? Why do you think that is a better proposition for the people of the United States to go to this mixed arbitration tribunal rather than to a clearing house?

Mr. BARUCH. I can answer that question more concisely by just reading three paragraphs here from this print which I had hoped to place in the hands of each member. It is an explanation of each one of the economic clauses, and giving under the head of each one the reasons for the clause as it is.

Senator FALL. I will withdraw the question until we have those data.

Mr. BARUCH. You will find it quite clearly explained there.

Senator POMERENE. Those are the explanations made by our representatives, of the text?

Mr. BARUCH. They were explanations made by our representatives, giving our understanding of the clauses.

Senator WILLIAMS. Made by the subcommittees to the group?

Mr. BARUCH. Yes.

Senator POMERENE. In other words, they were reservations to the treaty?

Mr. BARUCH. No.

Senator MOSES. These explanations were made by the groups which you have described as composed of various gentlemen gathered in subsidiary bodies, who were dealing with the economic clauses of the treaty in the first instance? They represent your own arguments?

Mr. BARUCH. Yes, sir.

Senator MOSES. And after being put in this printed form they were put in the hands of the five commissioners or plenipotentiaries, for their information?

Mr. BARUCH. All the economic commissions, of the five countries, came together, and then when we had agreed we reported to the commission of four, and they accepted it; and then it was put in the hands of our drafting commission. Does that answer your question?

Senator MOSES. Yes; except that it seems as if there was some intermediate step left out as to how our plenipotentiaries got into possession of it.

Mr. BARUCH. They were advised.

Senator MOSES. In writing?

Mr. BARUCH. The minutes of each meeting were sent to them.

Senator POMERENE. Were these explanatory notes incorporated in your minutes which you submitted to the commission?

Mr. BARUCH. So far as I know this is the only commission that made its report in this way. We got this up for our own particular benefit, so that we could digest the subject. You will notice that the treaty is a very large volume, and we got this up as a ready reference more for our own selves than for anything else.

Senator WILLIAMS. It is the explanation of your conduct—explains the result you arrived at. Suppose you just read that to the committee.

Mr. BARUCH (reading):

Article A and Regulation X provide for a system under which clearing offices are created, one between each allied State and Germany, for the settlement of debts. In order to make the plan workable, it is provided that:

(*a*) Each State shall guarantee the payment of all debts owing by its nationals to nationals of the enemy State, except in cases of the insolvency of the debtor, before the war;

(*b*) The proceeds of the sale of private enemy property in each State shall be used by the said State to pay the debts of its own nationals;

(*c*) Debtors and creditors in States formerly enemy are forbidden to settle their debts with each other or to communicate with each other regarding them.

This plan may be desirable for Great Britain, but is extremely undesirable, if not actually impossible, for the United States. It is accordingly recommended that it be not accepted by the United States.

1. Our Government should not accept the burden of guaranteeing the private debts owed by its citizens. This would be an obligation of unknown and probably very great proportions.

2. The treaty should not compel the United States to use the private property of Germans in our country for the payment of debts owed by other Germans to our citizens. To do so might amount to confiscation.

Senator FALL. If we do not guarantee the debts due to our own nationals as other nations propose to do, and do not use the excess of the proceeds of sales of alien property for the discharge of such debts, we are the only nation that will leave our citizens entirely unprotected, except as to their recourse against the nationals of the other country through other tribunals.

Mr. BARUCH. Congress has the power to do what it wishes.

Senator FALL. You mean to say that although you recommend to the contrary, Congress could go ahead and pass laws providing for the distribution of the proceeds of the sale of property in the hands of the Alien Property Custodian?

Mr. BARUCH. I said that those were the views as expressed by myself. That is still my present view, and I will be glad to state my reasons.

Might not Mr. Palmer make a statement in reference to this?

Senator SWANSON. Suppose you finish the reading of your own statement.

Mr. BARUCH (reading):

Moreover, Congress has expressly reserved to itself the power to decide what shall become of the enemy property in the United States. On the other hand, there seems no objection to the United States retaining the enemy property, for the present, as a hostage or pledge to secure American rights, and then deciding in its own way what is the fair and proper course. To accept the clearing-house system would commit the United States to a course which, it is firmly believed, Congress will not wish to follow.

3. To forbid our citizens from adjusting their debts and accounts with former enemies privately would be a wholly unnecessary and unjustifiable interference with private affairs. It would be a most serious obstacle in the resumption of business and commercial relations. Our financial houses and business firms had many complicated accounts, and transactions which were suspended by war. These houses, and especially the bankers, must speedily adjust their financial accounts. Otherwise commerce can not be properly resumed. The clearing-house plan would compel all such adjustments and all payments to be made through governmental agencies.

As regards other countries than the United States, the adoption of the clearing-house plan by some of them would be extremely detrimental to their own interests, and might be ruinous to a nation whose balance of private debts was largely in favor of Germany.

The principle is already accepted—Article A, clause "*e*"—that any allied State may exclude itself from the operation of the clearing-house plan.

Now, may Mr. Palmer make that statement?

The CHAIRMAN. Certainly.

Senator FALL. Before he makes that statement, let me ask this: How are we going to facilitate the resumption of business between these individuals when we leave it up in the air and wait for Congress?

Mr. BARUCH. These individuals can privately proceed, just as they are doing now.

Senator FALL. This will, then, facilitate rather than retard the settlement of these private affairs although, as you say, Congress yet has the power to step in and settle it.

Senator FALL. Do you desire to make that statement now, Mr. Palmer?

STATEMENT OF MR. BRADLEY W. PALMER.

Mr. PALMER. The entire subject is very complicated, difficult to approach and to understand, and in order to answer the questions I think it would be desirable to read the explanatory statements made by the American delegates to each of the sections, which are interlocked. I did not intend to make a statement now, because I wished to go into the subject fully and in detail. What I did wish to call the committee's attention to at the outset is that the rights and interests of the American nationals are fully protected; are protected more than any other nation, or at least as much as any other nation. There is no distinction between the two. It is a complicated and difficult situation, and the clearing house system is merely a method of procedure. The British Government and the French Government devised that plan during the progress of the war to meet a situation and condition that did not exist in the United States, arising from this state of facts. The war struck England and France suddenly, in the midst of all their involved transactions with the enemy, and it threw their business affairs into chaos. Never was there such a condition as that before. I do not know the exact details, because they are very confidential, but I understand that it was necessary for the British Government to step in and put its guarantee back of a great many different classes of private obligations, such as acceptances. Otherwise, the great commercial houses of Great Britain and of London would have gone down as the result of that. The difference with us was that before we entered the war, war conditions had been going on for two and a half years, and our business men had accommodated themselves to war-like conditions, so that when we entered the war the same condition did not exist and was not threatened, and it was not necessary that our Government should interfere in private commercial transactions. The result was that England and France studied what they should do to take care of their citizens after the war was over, and they evolved a clearing system. The object of that system was to enable their merchants to adjust their relations promptly after the war. Some time during 1917, I think, the

British Government here in Washington explained their system and their theory to us—to the representatives; to different governmental officials. We gave it a cursory examination, because we struck right away what we considered a fundamental obstacle, the proposition of the Government guaranteeing the private obligations owed by its citizens, and we never could get over that.

Senator WILLIAMS. You also struck the obstacle of forbidding a man's settling his own debts to the Germans?

Mr. PALMER. That was a minor obstacle, although it was important. We never could get over that, and we had many discussions or talks about that in Washington prior to the termination of the war.

Then, when the peace treaty was proposed, this plan was suggested as a portion of the peace treaty, and the American delegate on the committee happened to be informed of that because of these discussions we had had in Washington, and the American delegate said right away, "Is it essential that the Government should guarantee the private obligations?" And that was an essential part of the plan. It could not be worked out without that. Neither could it be worked out without forbidding communications between merchants in both countries. Neither could it be worked out without the obligation to take a German's property, or the proceeds of his property, and use it to pay another man's debt in that country.

The American delegate did not think it was necessary for the United States to get into any such position as that, and therefore, with full explanation, and with the full concurrence of the other powers, we devised another system which enabled us to grant our nationals the same protection, and in my judgment a very much better protection, without involving the Government in the interference in private affairs.

That is a general statement. Before leaving that subject I would like to make one other statement.

Senator HITCHCOCK. Will you not state, just here, what is the protection that the American creditor of a German debtor gets?

Mr. PALMER. An American creditor——

Senator HITCHCOCK. Of a German debtor.

Mr. PALMER (continuing). Having a claim against a German?

Senator HITCHCOCK. Yes; a prewar claim?

Mr. PALMER. A right; yes. In the first place, privately he has the right to go to a new tribunal in case of a dispute as to debt. The Government has a right to use any of the property or resources of the enemy property in this country to pay that debt, if the Government so chooses. Now, there is the clear distinction. The right is not given to an American citizen to come to this Government and demand that his debt shall be paid by the Government, either out of its own funds or out of the proceeds of enemy property which the Alien Property Custodian has taken. That is not a right which is given to a private American citizen. The Government has the right to do that if it wishes to do so. In other words, the Government stands in the position where it can protect its nationals by the use of these funds, or not, as it sees fit. There are many reasons why it is desirable to leave that matter in that position. We do not know what the condition of affairs is in Germany. We do not know what has been done to our property. We do not know whether the Germans will restore our property. We do not know whether

the German merchants will pay their debts in a fair way or whether obstacles will be put in the way of resuming and obtaining perperty rights and rights of contract by our nationals. If commercial relations are resumed in the ordinary way, and no obstacles are put in the way, perhaps the United States Government will say that that is the best thing to do, to let the commercial relations resume their regular course without interference or guaranty. But all the time under the treaty it has the right and power to protect its nationals as fully as it likes.

Senator HITCHCOCK. Can the American Government use the assets of German nationals in this country for the payment of debts due to Americans, without at the same time guaranteeing the payment of debts of Germans or claims that Germans have against Americans?

Mr. PALMER. Yes; if Congress so desires.

Senator KNOX. As I understand you, then, the American creditor practically has no rights.

Mr. PALMER. The American creditor is restored to the same rights that he had, regardless of the war.

Senator FALL. Without the treaty?

Mr. PALMER. Without the treaty. And, in addition to that, his Government has the right to protect him fully, further, by applying the property and credits in this country to the payment of his damages or debts.

Senator KNOX. You mean the proceeds of alien property in this country?

Mr. PALMER. Yes.

Senator KNOX. And such alien property as may be disposed of from this time on?

Mr. PALMER. Yes.

Senator KNOX. But then, pending the action by Congress in appropriating those proceeds, the American creditor has nothing, as I understand you; no provision is made for him under this treaty?

Mr. PALMER. Well, Mr. Senator, his rights are not impaired at all. He is restored to his same position that he had, regardless of the war, and the United States Government has not guaranteed to pay his debt, of course. The United States Government has not imposed upon Germany the obligation to pay his debt. He is restored to his same claim against the same creditor in the same way as if there had been no war.

He also has the additional protection of being allowed, if he likes, to go to a new arbitral tribunal.

Senator FALL. That is only when there is no dispute?

Mr. PALMER. As to the amount, no. Further than that, if the debt is not paid the United States Government has the right to compensate him and pay him out of these proceeds.

Senator SWANSON. That is what I was going to ask you. This treaty provides that the Government can use the property of any Germans in the hands of the Alien Property Custodian to pay such debts?

Mr. PALMER. Yes.

Senator SWANSON. That is in the treaty itself?

Mr. PALMER. Yes.

Senator KNOX. But in the meantime the American citizen simply has the embarrassment of having a foreign debt or against whom there is no forum in which he can enforce his claim? He can have the

amount of his claim determined in this forum but there is no way of enforcing the claim?

Mr. PALMER. Germany agrees to enforce the judgment in the new forum; and he can sue in the German courts, if he likes, or in the American courts.

Senator KNOX. How would he satisfy his judgment?

Mr. PALMER. He has the same contractual rights as he always had, according to the nature of his debt and the nature of his claim.

Senator SWANSON. Nothing in this treaty prohibits Congress, if it so desires, from assuming liability for these debts?

Mr. BARUCH. Nothing at all.

Senator SWANSON. If the United States want to assume the liability for the debts of citizens of the United States, they can do it?

Mr. PALMER. Certainly they can do it.

Senator KNOX. Have you any idea of the relation between the amount of the proceeds of the property held by the Alien Property Custodian and the amount of the debts held by citizens of the United States against Germans?

Mr. PALMER. No, Mr. Senator; we have not the faintest idea about that. We have a rough idea of the value of the property which has been taken. The State Department, I understand, have asked for the deposit of claims, and they have an enormous amount of claims; but what they are, and of what character they are, and what ought to be done about them, is something that is a very large question that has never been gone into at all.

Senator KNOX. Would you be willing to risk a guess as to whether there is practically enough German property to pay the American claims from the proceeds of the German property in this country?

Mr. PALMER. Mr. Senator, I would say this, basing my remarks not on hearsay but on what I call intuition. The German Government has published from time to time the announcement that the American properties are intact in Germany. Whether or not that statement is true I do not know. It is not true as to some of the other countries. But if Germany will restore the American property in Germany as required by the treaty, then I should think that there would be a very great balance of property in this country. There must be, because the German claims for debt can not amount to very much, whatever they are.

Senator KNOX. What disposition would be made of that balance? Could that be applied, under the terms of the treaty, to the payment of debts of others of our cobelligerents?

Mr. PALMER. No.

Senator KNOX. That seems to be the scheme between all of the nations that are parties to this treaty, except ours. For instance, if a Turk owed an Englishman money, you could take the property of a Turk in England to pay that debt, if there was a surplus over and above the English debt.

Mr. PALMER. Perhaps I have not understood the question. Will you ask it again? I want to explain what can be done with the proceeds?

Senator KNOX. What I want to know is this: If there is a surplus over and above what is necessary in this country to pay American creditors, I want to know what becomes of that surplus?

Mr. PALMER. I will answer that in this way, that under the clauses of the treaty the disposition of the entire fund is in the hands of the Congress. They can use the fund to pay the claims of American citizens on account of their property in Germany, if they suffer loss or damage. They can use it to pay debts of their citizens unpaid by German nationals. They can use it to pay what we call the *Lusitania* claims—claims on account of damages suffered by nationals of the United States prior to our entry into the war. They can put the balance into the reparation fund.

Senator KNOX. But suppose we do not have any reparation.

Mr. PALMER. That goes into the general reparation.

Senator KNOX. Then that would be to pay England and France and Italy?

Mr. PALMER. Yes; the general reparation fund, however it is divided.

The CHAIRMAN. But we have no part in reparation funds, have we?

Mr. PALMER. We are entitled to a share of the reparation, Mr. Chairman, but as to the division of the reparation, that is something that did not come within my province, and I know nothing whatever about that.

There is one thing, however, that I do want to call attention to now. The United States has the fullest power and authority to return any of this property that they see fit. That was something that I insisted upon, to have a fair understanding with the other Governments, because we have a lot of classes of property that it is certain we shall want to restore to the owners when Congress has received information on those subjects to give it sufficient knowledge to enable it to deal with the entire subject understandably. It is not necessary for us to turn the balance of the funds or any portion of the funds into the reparation fund. That lies with Congress if they desire to do so. The object of the American delegate, basing himself on the provisions of the act of Congress which we have always interpreted to mean that Congress reserved to itself the disposition of the enemies' property that had been taken, was to preserve that intact; in other words, to leave Congress the full, absolute power to deal with the property as they saw fit; and that is the effect of the treaty.

Senator WILLIAMS. Paragraph 4 of the annex to article 297, with reference to property, rights, and interests, reads as follows:

All property, rights, and interests of German nationals within the territory of any allied or associated power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that allied or associated power in the first place with payment of amounts due in respect of claims by the nationals of that allied or associated power with regard to their property, rights, and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that allied or associated power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gostave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the mixed arbitral tribunal provided for in section 6. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such allied or associated power with regard to their property, rights, and interests in the territory of other enemy powers, in so far as those claims are otherwise unsatisfied.

The CHAIRMAN. That gives the widest latitude.

Senator KNOX. Mr. Palmer, can you tell us why all the acts of the Alien Property Custodian are validated, thus cutting off access to the courts as to the regularity of the proceedings, or the sufficiency of the amounts realized from the sale of property?

Mr. PALMER. Yes, Mr. Senator. This is a treaty between the United States and Germany, and it never seemed to anybody that the action of the United States in fighting the war against Germany should be open to criticism or upsetting by Germany.

Senator KNOX. Suppose it could be demonstrated—I am only using this as an illustration, and I am sure there are no cases that are at all like it, but suppose it could be demonstrated—that property fairly worth $5,000,000 had been disposed of by the Alien Property Custodian in a secret way for $1,000,000. Why should a transaction of that kind be validated?

Mr. PALMER. Mr. Senator, I am sure that such a possibility as that does not exist.

Senator KNOX. I agree to that. I simply am using that as an illustration.

Mr. PALMER. But if that situation did exist, I would say it was something for our Government to handle, and that it should not be open to the enemy.

Senator KNOX. In other words, our Government should take the loss?

Mr. PALMER. No; the Alien Property Custodian was an officer of the United States Government engaged in carrying out the provisions of the trading with the ememy act, and for whatever he has done he should be responsible to our Government, but not to Germany. Now, as to the object of putting those clauses in the treaty, in the first place, those particular clauses were not put there by the American delegates, although if they had not been in there the American delegates would have asked to have them put in. There was no possible discussion by anybody as to the propriety of clauses of that character.

Senator POMERENE. In other words, the United States as the principal should settle with its own agents?

Mr. PALMER. Surely. The practical effect of those clauses is this. Whatever the Alien Property Custodian has done in the United States under the trading with the enemy act is done. He takes property and he gives receipts, and any claims that may arise from his actions are either relegated to the proceeds or the claims are cut off. Congress has said in the trading with the enemy act that any enemy whose property has been taken, if he has any complaint, shall come to Congress after the war; and Congress by that provision in our judgment has retained the power, the jurisdiction, the discretion to arrange matters with the former enemy. These clauses here amount to nothing, except that they do cut off possible litigation by the enemy respecting, we will say, the constitutionality of the trading with the enemy act, and things of that kind which might involve us in expensive, useless litigation for years. Aside from that I do not consider that the clauses have much effect.

Senator KNOX. Tell us what the owner of that $5,000,000 property would do under the circumstances indicated in my question. What are his rights?

Mr. PALMER. If he is an enemy, it is pretty hard to think that he has any right, except to apply through diplomatic channels.

Senator KNOX. Of course, he has rights. If he is an alien enemy he has his rights. Private property is to be protected. That is a rule of international law that there has not been any doubt about for a hundred years.

Senator FALL. This whole treaty is providing for the regulation of those very rights.

Senator SWANSON. I understand your contention is that Congress took charge of this property and Congress will settle the rights. If the property was sacrificed improperly or improvidently, then Congress will determine how it shall be settled.

Mr. PALMER. I think so.

Senator KNOX. Then, have you no other answer to the question I propounded except that the alien enemy claimant has no rights under the circumstances indicated in the question I asked a moment ago, which I am sure you have in your mind?

Senator WILLIAMS. He has his rights under the treaty, whatever they are.

Mr. PALMER. The rights of the alien enemy whose property has been taken—is that what you want to know?

Senator KNOX. I want to know what rights the man in Germany has who owned $5,000,000 of property in the United States, that was either secretly or fraudulently or otherwise disposed of for $1,000,000. What rights has he, if any?

Mr. PALMER. He has the right to come to Congress for his claim, as the trading with the enemy act provides. Mr. Senator, let me answer your question in this way, in order that you can see how the legal process has shaped itself in our minds. The trading with the enemy act authorized the Alien Property Custodian to take enemy property in this country. Through the original act and the amendment thereto the title to the property was vested in the custodian, so that he was given all the rights of the absolute owner, to quote the language of the amendment.

Senator FALL. He was a common-law trustee, was he not?

Mr. PALMER. Yes, under the original act; but the subsequent amendment went further than that and vested in him the rights of an absolute owner. Further than that, he was given the authority to dispose of the property in certain ways. Now, I have always thought, and I think it is perfectly correct, that the title of the alien enemy had passed out of him, had become vested in the United States or in the Alien Property Custodian, an officer of the Government. The title has passed from the enemy.

Senator KNOX. That is undoubtedly true. I am not questioning that at all.

Mr. PALMER. Now, suppose that the custodian had kept the property or turned it over to the United States Treasury as he was entitled to do under the act. Then, the entire property is gone and the alien enemy would come to Congress under the trading with the enemy act and make his claim, Congress reserving the right to take it up for consideration.

Senator KNOX. As to the regularity of the disposition or the adequacy of the compensation?

Mr. PALMER. The trading-with-the-enemy act does not say anything at all about that. It simply reserves to Congress the right to receive claims by the enemy after the war.

The CHAIRMAN. Did not the trading-with-the-enemy act give any right to go into the courts on questions arising out of the dissolution of companies, etc.?

Mr. PALMER. Not to the enemy.

The CHAIRMAN. It gave no right of any kind?

Mr. PALMER. I think not, except what I have stated.

The CHAIRMAN. I have sent for the act. I would like to look at it.

Mr. PALMER. I have a copy of it here.

Senator HITCHCOCK. Senator Knox makes the point that under international law the alien enemy has certain rights. If he has any such right it can only be prosecuted through his own government. Is that the fact under international law?

Mr. PALMER. So I understand.

Senator HITCHCOCK. Now, if his own Government agrees in this treaty not to assert that right, as you have said it does, does not that end the question? If he can prosecute any right at all, it is through his own Government, and his own Government agrees not to prosecute it. Does not that end the matter as far as we are concerned?

Mr. PALMER. I consider that more a matter of words than of substance, because under our law of the United States the United States Government had the war power to take and confiscate the private property of the enemy if it so desired to do.

Now, what did Congress do? They took possession of the enemy property, and they vested the title of it in their officer, the Alien Property Custodian. That was the act that put the enemy out of the ownership of the property. It did not make any difference what you put in the treaty about that. It does not make that situation any different. The United States had taken the title to the property. Now, the alien enemy could not get that property back without coming to Congress, and Congress said in the trading with the enemy act:

If any alien enemy makes a claim, he can come to us after the war.

I do not understand that the provisions of the treaty have changed that at all. Germany and its nationals, as far as the title to that property is concerned, have given up something that they did not have. The title had already passed to the United States Government, and they could not get it back without an act of Congress.

Mr. HITCHCOCK. That is not the question Senator Knox is putting to you. He put a hypothetical case, an impossible case, supposing that property worth $5,000,000 had been in some way sacrificed for $1,000,000.

Mr. PALMER. Yes.

Senator HITCHCOCK. And he asked you then, whether under international law the owner of that property did not have a claim that might be prosecuted against the United States?

Senator KNOX. Oh, no.

Senator HITCHCOCK. What was it?

Senator KNOX. I asked what his rights were. I did not allege what his rights were.

Senator HITCHCOCK. You asserted by inference that he had a right.

Senator KNOX. In response to Mr. Palmer's statement that the alien enemy had no rights I replied that under international law private property of the alien was always protected until after the

hostilities ceased, and then an accounting was made for it. That is a rule of international law and has been for a hundred years. What I want to get at, if you will permit me, is whether it would not have been entirely feasible to have inserted in this treaty a provision that the courts of justice of the United States should be open to the alien enemy after the war is over in order to challenge, not the title that passed to the Alien Property Custodian but the methods by which he disposed of it, if the claimant could make out a case of fraud or such gross negligence as to involve him in a serious loss, instead of passing him over to the ranks of the Revolutionary and Mexican War claims, with a technical claim against the United States, which he could only work out through Congress and the Committees on Claims. I asked the question whether it would not have been entirely feasible to open the courts of justice to him.

Mr. PALMER. The feasibility of such a system as that, with many other considerations, came up to me, and I decided it, and I am glad to explain the reasons why I decided against a clause of that sort. I should have thought and I do think that a clause of that kind would be contrary to the act of Congress under which we were acting.

Senator KNOX. We can change an act of Congress by a treaty.

Mr. PALMER. We can change an act of Congress by a treaty, surely, but it did not seem to be necessary to do that, because of the United States desires to offer that opportunity to the former enemy, it can do so, and I think it would be very much more appropriate for relief of that character to come from Congress than from the treaty. At any rate, that was the view of the representatives of the United States.

Senator SWANSON. I understand your negotiations have obtained the acquiescence of the German Government in Congress disposing of this alien enemy property as it sees proper?

Mr. PALMER. Yes.

Senator SWANSON. Is that the result of your negotiations?

Mr. PALMER. The treaty.

Senator SWANSON. I mean, is that the result of the treaty, that they will acquiesce in the disposition of alien property as Congress may see proper?

Mr. PALMER. Yes.

Senator POMERENE. Is not this the situation as to alien claims? I understand the rule to be with regard to alien property, in international law, as stated by Senator Knox; but those who were framing this treaty saw fit to insert in the treaty a provision ratifying the acts of the Custodian of Alien Property. Whatever his rights may have been under the general principle of international law, they are more clearly defined by the treaty itself, so that it rests with Congress under this treaty and under the alien property act.

Mr. PALMER. That is correct.

Senator POMERENE. They can not only reimburse any alien but they can give him a premium if they should desire.

Mr. PALMER. They can give him any process by the courts.

Senator POMERENE. Or create courts for him?

Mr. PALMER. There is one thing that we ought——

Senator WILLIAMS. Before you go further, I want to ask you this, in order to get it clear in my mind: I understand that this in no wise binds our people to what all of the other nationals of the allied and

associated powers are bound by, to wit, this clearing-house system, but that our nationals are left free with German nationals to make any private settlement that they wish of their mutual claims.

Mr. PALMER. Yes, sir.

Senator WILLIAMS. For example, if a man had been buying cotton from Hamburg, Germany, and had been shipping it, and the ship was on the high seas at the time we declared a state of war existing between us and Germany, if those people did not want to wait for Congress to settle it, if, say, the British Government had taken it and sold it at Liverpool prices and paid the American shipper, these people being old customers, they could settle the whole transaction according to the ethics of it as they saw fit?

Mr. PALMER. Yes; exactly.

Senator WILLIAMS. Moreover, if they chose, they could have a trial case set to determine the amount, if there was a dispute about that. There is nothing in the treaty to prevent that?

Mr. PALMER. No.

Senator FALL. Mr. Palmer, may I ask a question or two? Is there anything in the treaty which gives any additional rights along the line of guaranties of any right such as Senator Williams has just asked about? They would have these rights without any treaty whatsoever, would they not? Is there anything in the treaty giving them those rights?

Mr. PALMER. Their rights are unaffected, but they have an additional recourse to a new tribunal instead of going to the German courts, and the United States Government has the additional new power to look out for their interests under the provisions in the treaty.

Senator FALL. That new tribunal, however, gives them no new security—in other words, does not enable them to collect the debt. The tribunal fixes the amount in dispute.

Mr. PALMER. Security is given to the United States Government.

Senator FALL. Where?

Mr. PALMER. In those provisions that were just read under the operation of article 297, clause (h).

Senator HITCHCOCK. There is not any "h."

Senator POMERENE. Page 371.

Mr. PALMER. Clause (h), page 371, second paragraph, bottom of the page.

Senator FALL. Clause (h), to which you have just referred, says:

The net proceeds of sales of enemy property, rights, or interests wherever situated carried out either by virtue of war legislation, or by application of this article, and in general all cash assets of enemies, shall be dealt with as follows:

(1) As regards powers adopting Section III and the annex thereto—

We do not adopt that?

Mr. PALMER. No.

Senator FALL (continuing reading):

The said proceeds and cash assets shall be credited to the power—

Not adopting Section III. That will be ourselves?

Mr. PALMER. Yes, sir.

Senator FALL (continuing reading):

Any credit balance in favor of Germany resulting therefrom shall be dealt with as provided in article 243.

The next paragraph provides:

The proceeds of the property, rights and interests, and the cash assets, of the nationals of allied or associated powers held by Germany shall be paid immediately to the person entitled thereto or to his government; the proceeds of the property, rights and interests, and the cash assets of German nationals received by an allied or associated power shall be subject to disposal by such power in accordance with its laws and regulations.

Say, for instance, that we dispose of property here and we have assets of $400,000,000 derived from the sale of property by the Alien Property Custodian, and in Germany assets of $300,000,000. That leaves an excess of $100,000,000. Now, as I understand you, your claim is that under that clause that excess of $100,000,000 may be by Congress applied to the payment of the debts of American nationals who can not otherwise collect their debts in Germany. Is that it?

Mr. PALMER. Yes.

Senator FALL. Then, undoubtedly, the people of the United States are very materially interested in seeing that the alien property brings just as much as it possibly can bring in the market upon its disposition by the Alien Property Custodian. Otherwise, there would be no excess which might be applied as payment of the debts of our nationals. Now, take the Bosch Magneto case, for instance, that you know about, of course, as you are attorney for the Alien Property Custodian. There is a very serious controversy about that case. The entire property was disposed of for something like $4,000,000, and it is claimed by the owner and others that the cash assets would make the value of the property at the time it was disposed of—it was disposed of after the armistice, I think—$6,000,000. I will call it that in round numbers. It is claimed by some of the accountants that its value might be very much more than that. That matter is now in controversy, through some sort of court proceedings. At any rate it has been before a committee of the Senate upon several different occasions and was discussed at great length. Now grant, for the sake of argument, that there was a discrepancy of $2,000,000; that amount might very well have gone to the nationals for the payment of their debts.

Mr. PALMER. Surely it is a matter of interest between the Government and the Alien Property Custodian.

Senator FALL. The Congress of the United States is the only tribunal to which they can come. Suppose it is shown clearly to the Congress of the United States that here is an American citizen who has a $2,000,000 claim which he can not collect against Germany and which Germany does not guarantee; if there are funds in the hands of the Alien Property Custodian, Congress can say to the Property Custodian, or to some other official, "Pay this man so as to discharge his claim." If there is no such excess, how is he going about it to get his claim paid? Would he have to come to Congress for an appropriation of $2,000,000 out of the Treasury? You can not set aside a sale that has been made by the Alien Property Custodian. This validates the sale.

Mr. PALMER. This validates it.

Senator FALL. But suppose it does not. He can not set it aside.

Mr. PALMER. In case of a fraud, any fraudulent transaction is void.

Senator FALL. What proceedings would you take?

Mr. PALMER. In the case of a question of the character you raise, those are matters between the United States Government and its officers.

Senator FALL. I want to see if American citizens can be protected, if I can.

Mr. PALMER. Well, I am not prepared to answer that question, because it would depend on the character of the act, in what part of the country, and under what State government it was passed, and a whole lot of things. What I wanted to say was that the treaty has not anything to do with that objection.

Senator FALL. I do not think it has, except that it validates the acts of the Alien Property Custodian.

Senator WILLIAMS. Not as to American nationals.

Mr. PALMER. That is just the point. The German national never had any rights, because the trading with the enemy act has taken them away in advance.

Senator WILLIAMS. Let me ask you this question. If this man was an American citizen, and could show it, and had acted upon a wrong impression that he was an alien enemy, he would have the same rights in the courts of the United States that he always had?

Mr. PALMER. I understand so.

Senator FALL. I am not interested in the Bosch Magneto Co. I am interested only in an American citizen collecting his money from a German national.

Mr. PALMER. Mr. Senator, I can answer that only in a general way. It is perfectly true that if the Alien Property Custodian has not collected and realized as much money as he could have from the enemy property in this country, the fund at the disposal of Congress is not as much as it otherwise would be. That is true. If on the other hand there has been nothing that has been wrongly done by the Alien Property Custodian——

Senator FALL. I did not mean to insinuate that, for a moment.

Mr. PALMER. That is a matter between the Government and its own officers.

Senator FALL. In so far as I am concerned, I have been on the committee investigating the acts of the Alien Property Custodian for some time, and I am willing to say frankly that I have discovered nothing whatsoever that would reflect in any degree upon the manner in which the present Attorney General of the United States administered that property. But there may be cases in which his agents or himself have acted in such an inefficient manner in securing the largest proceeds which they might, that while without any moral turpitude upon their part whatsoever, nevertheless the funds which may be at the disposal of Congress for the payment of claims to American citizens might not be sufficient. Where would they go?

Senator SMITH of Arizona. Would they have to lose their property or come to Congress?

Senator FALL. If by the treaty the German Government had been compelled to guarantee the debts of its citizens, then it would not have been depleted by such claims, we will say, to the extent of $300,000.

Senator HITCHCOCK. Mr. Palmer, the fund which is secured by the sale of alien property under the administration of the Alien Property

Custodian has certain liens placed upon it by this treaty. Is that true?

Mr. PALMER. No; that is not true; there are no liens.

Senator HITCHCOCK. What are the first claims on that fund?

Mr. PALMER. Congress has the fullest right to dispose of it in any way it sees fit.

Senator HITCHCOCK. Are there any claims prior to the payment of claims by American nationals against German debtors?

Mr. PALMER. Not unless Congress desires to so stipulate.

Senator HITCHCOCK. So that this fund is subject in its use to the payment of American claims against German debtors, and not in excess of the fund, but the whole fund?

Mr. PALMER. Yes; if you like. The American with a claim against Germany has got something which he never had before.

Senator WILLIAMS. Germany undertakes to pay its own nationals?

Mr. PALMER. Yes.

Senator SWANSON. First, you obtain from Germany an agreement that will return all the property of American nationals?

Mr. PALMER. Yes.

Senator SWANSON. That is obtained; and secondly, you obtain from Germany an agreement that all the property of the Germans here in this country can be used to discharge any further debts that the German nationals owe the United States?

Mr. PALMER. Yes.

Senator SWANSON. Third, you have given to Congress the right to dispose of its alien property absolutely without interference by the German Government?

Mr. PALMER. Yes.

Senator SWANSON. And if Congress desires to create courts to deal with this property, it has the power to do it; and there is nothing in the treaty which precludes Congress from making a free disposition of it?

Mr. PALMER. Absolutely. That is one of the reasons why the American delegates would not consent to the enemy debt plan, because the enemy debt plan would have taken away the freedom of disposition which Congress should enjoy.

Senator WILLIAMS. And which Congress had reserved to itself.

Mr. PALMER. Which Congress had reserved.

The CHAIRMAN. Mr. Palmer, do I understand you to say this treaty does not validate the acts of the Alien Property Custodian so as to put him entirely beyond the right of the courts so far as enemy aliens are concerned?

Mr. PALMER. Oh, no; I said that the treaty does validate the act as far as the enemy is concerned.

The CHAIRMAN. That is, no enemy alien can bring suit in any way.

Mr. PALMER. No.

The CHAIRMAN. Exactly. That is what I supposed. I know nothing about the Bosch magneto case which has been mentioned by the Senator from New Mexico. Suppose there was an American stockholder, would he have any right under this treaty, which becomes the supreme law of the land, to go to the courts and get proceedings?

Mr. PALMER. The same right as before?

The CHAIRMAN. No; I am not asking whether he has the same right as before. I want to know whether he is cut off from any that he previously had.

Mr. PALMER. No.

Senator JOHNSON. In answer to what the chairman said to the Senator from Mississippi, and in answer to what has just now been said to you, may I call Mr. Palmer's attention to paragraph 1 of the Annex, page 375? If I may read to you a couple of sentences, I would be glad to be instructed. It reads:

In accordance with the provisions of article 297, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions, or instructions of any court or any department of the Government of any of the high contracting parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, and interests is confirmed.

Now follow, please [reading]:

The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision, or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision, or instruction. No question shall be raised as to the regularity of a transfer of any property, rights, or interests dealt with in pursuance of any such order, direction, decision, or instruction. Every action taken with regard to any property, business, or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights or interests, the collection or discharge of debts, the payment of costs, charges, or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions, or instructions of any court or of any department of the Government of any of the high contracting parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, or interests, is confirmed: *Provided*, That the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the allied and associated powers.

Would you make, with that provision in view, the same answer with regard to the minority American stockholder that you have made to the Senator from Mississippi and the chairman?

Mr. PALMER. Yes, sir; the paragraph begins by reference to article 297, paragraph (d). If you will look at that, you will find that the clause is limited to enemy nationals in Germany. The exact treaty is as follows:

(d) As between the allied and associated powers or their nationals on the one hand and Germany or her nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the annex hereto shall be considered as final and binding upon all persons except as regards the reservations laid down in the present treaty.

Now, paragraph (1) of the annex which you read and referred to there is simply an enlargement of that provision, and refers to it.

Senator MOSES. What other provisions are laid down?

Mr. PALMER. Some other reservations. I do not recall what they are at present.

Senator FALL. Reading over that, I became convinced some time ago that you were correct in your construction of this provision. I say without any hesitation that you are correct. Then, if the minority stockholder was dissatisfied with the amount derived from the sale, what would be his recourse?

Mr. PALMER. He has the recourse that is given to him under the trading with the enemy act and the general laws of the land. It depends entirely upon the nature of the act, Mr. Senator, and the only reply that I can make to it is that the treaty does not affect his rights, whatever they are.

Senator FALL. I think you are correct about that, also. But a minority stockholder in such a company, as was suggested by the question of the chairman—a large stockholder—might, of course, pursue the proceeds, and would only have his proportional amount of the proceeds represented by the average value of his stock, and would not be entitled to upset the sale and have a resale unless Congress gave affirmative relief by subsequent legislation.

Mr. PALMER. That depends again. It depends on the nature of the transaction. If there is fraud——

Senator FALL. I am not speaking of fraud.

Mr. PALMER. Or inadequacy of price, that is a question of procedure, a question of corporation law of the State and of various details, and it is impossible to answer intelligently a question of that kind.

Senator FALL. You are familiar with the trading-with-the-enemy act?

Mr. PALMER. The trading-with-the-enemy act as we have construed it, and we think correctly, provides that no American citizen or any neutral shall be deprived of his rights, and in enforcing the trading-with-the-enemy act, of course, we tried as hard as possible not to transgress anybody's rights; but all the courts are open at every stage of the game, and they had additional rights given them by the act itself.

Senator FALL. But having failed to avail himself of the provisions of section 9 of the act by going into court to protect his rights, the American citizen would then merely be left to appeal to Congress for reimbursement of the amount that he had lost, if he established that he had lost anything, or proceed against the proceeds of the sale.

Mr. PALMER. He still has a right to make a claim up to nine months after the war is ended.

Senator FALL. But not to set aside the sale.

Mr. PALMER. His right to set aside the sale had not been changed in any way.

Senator FALL. But if the sale is made, you do not think that any individual can set it aside?

Mr. PALMER. I know they could if they have the proper cause.

Senator JOHNSON of California. I am unable to see that subdivision (e) has the limited effect that you suggest upon the portion of the Annex that I read to you. You will observe how much extended the portion of the Annex that I read is beyond the matter to which you allude. It says that the interests of all persons should be regarded as having been effectively dealt with, and so on, and no question shall be raised as to the regularity of the transfer of any property, etc. Now, would not that be effective concerning the rights of the minority stockholder such as was suggested by the chairman?

Mr. PALMER. I do not think so at all. We had a discussion on that very question, and all the powers agreed that this treaty did not affect the rights of neutrals or nationals of our country. When it came to that particular clause, in order to make it clear, we inserted

the sentence which was read, and it is our interpretation and understanding that those confirmations and ratifications apply to alien enemies.

Senator JOHNSON of California. But you specifically state "the interests of all persons," and then you state again "every action taken"——

Mr. PALMER. In accordance with the provisions of such and such a clause.

Senator JOHNSON of California. That is your first sentence; quite true.

Mr. PALMER. But it gives the entire paragraph.

Senator JOHNSON. But your subsequent sentences are wholly general in character.

The CHAIRMAN. "All persons" means only alien enemies.

Senator JOHNSON. That is exactly the point.

The CHAIRMAN. Am I not right in that?

Mr. PALMER. German nationals, it means.

The CHAIRMAN. "All persons" means German nationals. It is rather loosely drawn.

Mr. BARUCH. It could not mean anything else.

Senator JOHNSON. I would not wish to disagree with you, Mr. Palmer, concerning the construction of language with which you are familiar, but is not that a strained construction, to say the least?

Mr. PALMER. It might be, without the connection.

Senator WILLIAMS. "All persons," referring to section 297.

Senator JOHNSON. It does not say so.

Senator WILLIAMS. That is what it means, explanatory of section 297. Read the first line.

Senator POMERENE. Where is that? Give me the number and the section.

Senator WILLIAMS (reading):

In accordance with the provisions of article 297.

It is on page 375.

The CHAIRMAN. Are there any futher questions that the committee desires to put to Mr. Palmer?

Senator MCCUMBER. I would like to ask one question. If we are to avail ourselves of the rights and the benefits under this system of joining other nations in the collection of debts, we will have to do it by an act of Congress within 40 days after the treaty has been adopted. Is that your construction?

Senator WILLIAMS. That is, adopting the clearing-house system?

Mr. PALMER. If you want to adopt the clearing-house system, it is necessary to give notice within a month, I think.

Senator HITCHCOCK. Thirty days.

Mr. Palmer. After the ratification.

Senator MCCUMBER. Who is to give notice?

Mr. PALMER. The United States.

Senator MCCUMBER. How?

Mr. PALMER. Why, I do not know. I suppose the President, or the executive authority.

Senator MCCUMBER. Do you not think that it will require an act of Congress to determine whether we should come under that system, rather than the mere declaration of the President?

Mr. PALMER. I do not think so.

Senator MCCUMBER. You would not think it was simply discretionary with the President or any other officer as to whether we should adopt that provision? I just ask. I did not know but what there might be some other portion of the treaty that bore on it.

Mr. PALMER. There is nothing else in the treaty on it, but I should think that inasmuch as the President and the Senate have the power to make the treaty, they would have the power to do that.

Senator WILLIAMS. And the American delegation was opposed to the clearing-house system?

Mr. PALMER. Absolutely.

The CHAIRMAN. The hour of half past twelve having arrived, if I may interrupt Mr. Palmer for that purpose, some of the Senators have to go upon the floor and I think we shall have to take an adjournment. I suppose that there are some further questions that the members of the committee desire to ask Mr. Baruch and Mr. Palmer.

Senator FALL. I think so.

The CHAIRMAN. I understand so, and I shall be glad to know from the committee when they would like to have the witnesses before them again.

Senator JOHNSON. I request an adjournment until 10.30 o'clock to-morrow morning.

Senator HITCHCOCK. I want to suggest that the matter of interrogating witnesses be on some sort of system, either that the questions be put in writing or asked in order, so that there will be less confusion.

Senator MOSES. May I ask that before the next meeting copies of this document that Mr. Baruch has been referring to be ready and put in the hands of the committee.

Senator POMERENE. Could we have those this afternoon?

Mr. BARUCH. We have only two copies, but they could be furnished the members of the committee this afternoon.

The CHAIRMAN. If Mr. Baruch will give me a copy I will have it printed for the committee.

Senator PITTMAN. Do I understand that this document of Mr. Baruch's is to be printed as a part of his testimony?

The CHAIRMAN. There were some other things that he had in typewritten form that will go in his remarks.

Senator PITTMAN. I would like to ask Mr. Baruch if he would not like to have this document printed as a part of his testimony.

Mr. BARUCH. This really was not a completed document. It was a transitory document, just explanatory of the clauses.

The CHAIRMAN. I did not understand that Mr. Baruch wanted to make the whole document a part of his testimony, but it does not make any difference.

Senator PITTMAN. I was asking Mr. Baruch as to his desire.

Mr. BARUCH. I have no desire in the matter. I think the parts that were read should appear in the testimony. They are simply to be used as a matter of reference for the Senators in order to see what construction had been put on the clauses at that time.

The CHAIRMAN. We can have the testimony ready and in print to-morrow.

(Thereupon, at 12.30 o'clock p. m., the committee adjourned until to-morrow, Friday, August 1, 1919, at 10.30 o'clock a. m.)

FRIDAY, AUGUST 1, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met at 10.30 o'clock a. m., pursuant to adjournment, in room 424, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), McCumber, Fall, Knox, Harding, Johnson, New, Moses, Hitchcock, Williams, Swanson, Pomerene, Smith, and Pittman.

The CHAIRMAN. The Secretary of Labor desires to address the committee briefly in regard to a resolution introduced by Senator Kenyon yesterday. If the committee desires, I will read the resolution [reading]:

[S. J. Res. 80.]

JOINT RESOLUTION To authorize the President to convene the first meeting of the international labor conference in Washington, and to appoint delegates thereto.

Whereas in the proposed treaty of peace which was executed by the representatives of the allied and associated powers and Germany at Versailles on the 28th day of June, 1919, and which is now before the Senate of the United States for consideration, provision is made for a general international labor conference for the purpose of promoting improvements in the conditions of labor, and that the first meeting of such conference shall take place in Washington in October, 1919; and

Whereas the representatives of the allied and associated powers, signatory to said proposed treaty of peace, have requested the Government of the United States of America to convene and make arrangements for the organization of the first meeting of said conference: It is therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorize to convene and to make arrangements for the organization of such first meeting of the said conference and to appoint delegates thereto: *Provided, however*, That nothing herein shall be held to authorize the President to appoint any delegates to represent the United States of America at the said meeting of such conference or to authorize the United States of America to participate therein unless and until the Senate shall have ratified the provisions of the said proposed treaty of peace with reference to such general international labor conference.

Senators will probably remember that we passed as an amendment to an appropriation bill a prohibition on the President to call any conventions here without action by Congress.

Senator WILLIAMS. Hence the necessity of this bill.

The CHAIRMAN. Hence the necessity of the bill. We will hear the Secretary of Labor.

STATEMENT OF HON. WILLIAM B. WILSON, SECRETARY OF LABOR.

Secretary WILSON. Mr. Chairman and gentlemen of the committee, as stated in the preamble, the proposed treaty of peace which the committee has now under consideration provides for the calling of an international labor conference, a conference that it is proposed shall meet annually. In an annex to article 24, the place of meeting is named as Washington, and the Government of the United States is requested to convene the conference. As has been stated by the chairman, the general deficiency bill of March 4, 1913, carried this provision:

> Hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event, without first having the specific authority of law to do so.

Consequently the Executive has no power to comply with the request contained in the treaty now under consideration. I am advised that 22 nations have already signified their intention of being represented at the labor conference, some of them nations on the other side of the globe. The difficulties of transportation and communication at the present time resulting from the war make it important that if an invitation is to go out from this Government it should go out at a very early date.

The House of Representatives, as I understand, is about to adjourn, with the consent of the Senate, until September 9. Unless action can be secured before the adjournment of the House, it will make a very brief time in which invitations can be extended and action taken by other Governments in selecting their representatives to attend the conference.

When I learned that the House was about to adjourn for a month, I took the matter up with Members of the House, among them the minority leader, Mr. Clark of Missouri, with a view to securing action by the House before adjournmant. After consultation with his associates, the majority leader and his associates came to the conclusion that it was a matter that primarily interested the Senate, because the matter of the treaty of peace was involved in the proposition, and that consequently it would be more or less indelicate on the part of the House to take any action on the subject until the Senate had expressed its view upon it. Consequently the House has taken no steps to take any action on the proposition that is now before you.

I look upon this particular phase of the proposed treaty as being somewhat different from any other phase of the treaty. There is not only the proposition to convene a labor conference annually, but there is a request that this Government convene the first conference. When any of the other nations, parties to the negotiations, ratify the treaty, that carries with it a ratification of the request to the Government of the United States to convene the labor conference. If we ratify the treaty itself, then it becomes a treaty obligation on our part to convene the conference. If we fail to ratify the treaty, it still stands as a request from other Governments to our Government to convene this meeting, and in that respect I look upon it as being entirely different from any of the other provisions contained within the treaty.

There is an organizing committee at present working upon the data for the subjects to be discussed at the proposed conferences. I am advised that that committee is unable to proceed further with its work, that it is at a standstill and will continue at a standstill until our Government has extended either formally or informally the invitation mentioned in the treaty. Our Government is not in a position to extend, either formally or informally, an invitation except by and with the authority of Congress.

That is the situation as it confronts us, and unless speedy action can be secured from the Senate and from the House it will create a condition where the time will be extremely brief, whether we ratify the treaty or not, in which we can issue a call for this convention.

I may add that by the very terms of the treaty we would not be entitled to representation in the conference, even though we called it, unless the treaty is ratified; but we are requested to call it whether we are represented in it or not. That is the situation as I understand it, and I hope the committee may take prompt action in the matter in order to relieve the situation.

The CHAIRMAN. I can only say that the committee will take it up just as soon as they finish this hearing. I shall try and get a meeting of the committee this afternoon to deal with it.

Secretary WILSON. Thank you.

The CHAIRMAN. Of course, Mr. Secretary, you realize that it has to be done by unanimous consent of the Senate?

Secretary WILSON. I realize, Mr. Chairman, that unless there is practically unanimous consent both in the Senate and in the House, prompt action can not be had, and I think that prompt action is of the essence of the situation at the present moment.

Senator WILLIAMS. It can not be considered, Mr. Secretary, except by unanimous consent.

Secretary WILSON. That is practically the situation in the House also.

STATEMENT OF MR. BRADLEY W. PALMER—Resumed.

The CHAIRMAN. Mr. Baruch and Mr. Palmer are both here, and if any members of the committee desire to ask them any further questions, there is now an opportunity to do so.

Senator WILLIAMS. Mr. Palmer was on the stand yesterday when we adjourned.

The CHAIRMAN. Mr. Palmer was on the stand when we adjourned yesterday. Is it desired to ask him any further questions?

Senator MOSES. Some of us are under embarassment with reference to questioning this witness further, inasmuch as the print of the explanation which Mr. Baruch presented yesterday morning is not yet ready.

The CHAIRMAN. Mr. Baruch's pamphlet is not here. The Government Printing Office was unable to get it to us in time. The testimony taken at the hearing yesterday is printed.

Senator FALL. Mr. Chairman, I must admit that we went so far afield yesterday that I did not understand thoroughly the explanation made by Mr. Palmer in answer to the question propounded to him by one of the Senators touching upon the statement that he made that Americans were, as I understood him, better protected in the collection

of their indebtedness than were the citizens of other nations if they joined this clearing-house agreement. If Mr. Palmer would be kind enough to proceed as briefly as possible in answer to that question, I should be glad to hear him. I should be glad to know where American nationals have any advantage over the citizens of the other nations, or where they stand upon an equal basis with the citizens of the other nations, in the collection or settlement of their indebtedness.

Mr. PALMER. Mr. Chairman and gentlemen, that remark I made was perhaps a little more general than I intended. What I intended to say was that the citizens of the United States would be better protected if the United States did not adopt the clearing system than if they did. I did not intend to differentiate between the citizens of the United States and those of any other nation as the remark would indicate. That was not my view.

Senator FALL. That is what I wanted to clear up.

Mr. PALMER. I am talking about the operation of the clearing system. Under the clearing system the friendly power on the one side and Germany on the other each undertakes to collect all the enemy debts within its territory and apply it to the payment of the credit of their own nationals. The result of that operation in effect is that the creditors of the friendly nation—I use that term instead of repeating "allied or associated nations"—are limited to the proceeds of enemy credits and the proceeds of enemy property in their own country.

In case a country does not become a part of the clearing system, the creditors of that country have the right to collect their debt from the debtors in Germany, which would otherwise be collected and the proceeds kept by the German Government; and in addition to that their Government has at its disposal the entire fund of enemy property in this country, by which it can, if it so desires, pay the uncollected portion of its citizens' debt. That is a brief statement of the financial difference between those two systems, and that is the foundation of the remark that I made which was quoted by the Senator from New Mexico, Mr. Fall. I find some difficulty in explaining that, because it is complicated, and it is not an easy conception to understand or to explain; but I have a very clear understanding of it, and if I have not made it clear I should like to go further.

Senator HITCHCOCK. Let me ask you this question: If John Smith in the United States has a claim of $5,000 against a German debtor, how would he proceed under article 3 if the United States adopts that, and also how would he proceed and how would he be protected if the other option is elected?

Mr. PALMER. If John Smith, a creditor in the United States, has a claim of $5,000 against a German debtor, if the United States does not adopt section 3, John Smith has the same contractual rights that he always had unimpaired, and pursuant thereto he has a right to demand and collect his claim from the German debtor. He also has the right, in case of dispute of his claim——

Senator HITCHCOCK. That would be in the German courts?

Mr. PALMER. In the case of the dispute of his claim, instead of going to a German court, he has the right to appeal to the new court with a neutral president; and on top of that, subject to the action of the United States Government, he would have the opportunity to ask the United States to pay his debt out of the funds which the

United States has in its possession, derived from the enemy property and the proceeds of enemy debts collected in this country.

Now if the United States adopts the clearing system, the same creditor has no longer the right to collect his debt from the debtor in Germany. His only recourse is to the United States, and the United States would be obliged to pay him from the funds which they had received.

Senator HITCHCOCK. Where could he sue for the collection of his debt?

Mr. PALMER. He could not sue.

Senator HITCHCOCK. Where could he present his claim?

Mr. PALMER. To the United States Government. The result is that if the claims in the United States exceeded the amount of property collected by the Government, the resulting claim would be against the German Government only, which is not a very valuable asset at the present time.

So that you will see that the possibility of collection by the American creditor is double under one system as against the other.

Senator FALL. Each nation here has exactly the same alternative that is left to the United States?

Mr. PALMER. Oh, yes.

Senator FALL. Now under article 3, if we join the clearing-house system, the German Government guarantees the debts of its nationals?

Mr. PALMER. It guarantees the debts of its nationals in this way It gives as a credit to the other country the amount of the debt owed by its nationals to the citizens of that country. That is the bookkeeping transaction, which results in a balance one way or the other.

Senator FALL. I admit that whenever I run up against a proposition advanced by some auditor or bookkeeper, and it is a bookkeeping proposition, then I am lost; I know nothing about it. But I notice the provision in the treaty itself is that each of the high contracting parties shall be respectively responsible for the payment of such debts of its nationals.

Mr. PALMER. Yes.

Senator FALL. That may be just a bookkeeping entry, but the question is whether it is worth anything.

Mr. PALMER. What I am sure of is that under the operation of the clearing system that becomes a bookkeeping entry.

Now the condition which seemed to the American lawyers most serious under this system arises from the operation of that clause, because under it the United States Government would be obliged to guarantee the payment of an enormous amount of obligations, some of which are worthless, many of which can not be collected, and including, as far as the lawyers could determine, a class of obligations among which were our defaulted railroad bonds which became due before the war or during the war.

Senator FALL. And State bonds?

Mr. PALMER. No; not State bonds.

Senator FALL. Repudiated bonds?

Mr. PALMER. Well, I don't know. I never thought of that.

Senator FALL. I thought possibly you had thought of it.

Mr. PALMER. The result would be that the United States would find itself guaranteeing and paying to somebody the full par value of private and semipublic obligations, the actual value of which was a

very much less amount. What the effect would be on the German creditor I do not know. If the system operated, the German creditor might get 100 cents on the dollar for a railroad bond for which our citizens had taken stock. The American lawyers never could figure that out, and we never could get a satisfactory answer from the other powers as to how that would operate, and that was the stumbling block. When we could not cross that block, the ridiculousness of the United States guaranteeing all that vast mass of obligations in this country was an obstacle which no American lawyer could ever get across.

Apart from that, however, I have personally taken a great interest in discussing the clearing system and ascertaining as far as I could how the originators of the system expected it to work; because if it was possible to devise a clearing system or rather a system of arranging mutually the debts between this country and Germany without a Government guaranty and without preventing our merchants from communicating and arranging their settlements in some way and without some of the other features which would cramp the system, it would be an advantageous thing.

In other words, if we could arrange with Germany a system to clear our debts which have been hung up through, we will say, a group of banks or some private institution, without involving the obligations or the friction of governmental interests, it would be an admirable thing to do. That is exactly the opportunity that is left to us now, if we desire to do so.

Senator KNOX. I want to ask you about this option. Do we have to give notice to get into the clearing house, or give notice to stay out?

Mr. PALMER. We have to give notice to get in.

Senator KNOX. Now, do we? I thought that, at first; but look at the text on page 351, at the bottom of the page. I will read enough of it to get the substance of it. It says that "the provisions of this article and of the annex hereto shall not apply * * * unless * * * notice to that effect is given." Does not "notice to that effect" mean notice that it shall not apply, rather than that it shall apply?

Mr. PALMER. I will answer that question in this way. When that clause was originally drawn it was drawn to require notice to stay out, and the United States representative objected to it very strongly, and the word "if" was changed to "unless," in order to give it the effect which I say. In other words, the clause was remodeled for the purpose of providing that in case any country desired to participate in this they must give notice. Otherwise they are left out.

Senator KNOX. Does this language do so?

Mr. PALMER. I think so.

Senator KNOX. It says that the provisions of this article and of the annex thereto shall not apply unless notice to that effect is given.

Mr. PALMER. To the effect that they shall apply.

Senator KNOX. No; it says "notice to that effect." What effect? The effect is that it shall not apply. I assumed that what you say you were trying to do was what had been done, but this language is really confusing. I do not know whether the French text helps it out any or not.

Mr. PALMER. The language says it shall not apply "unless"—unless what? Unless notice is given.

Senator KNOX. Unless notice "to that effect" is given.

Mr. PALMER. Unless notice of some kind is given.

Senator KNOX. Notice that it shall not apply, it seems to me to mean. What I want to find out is whether we have got to give notice to stay in or to give notice to get out. That may be clear to other people, but it is not clear to me.

Senator SWANSON. Your interpretation is that that means that it shall not apply——

Senator KNOX. My interpretation is that it means that notice shall be given that it shall not apply.

Senator SWANSON. And you interpret it that "to that effect," means that it shall not apply?

Senator KNOX. That it shall not apply; yes. You and I both thought it was the other way yesterday when we talked about it, that we would have to give notice to get in; that we are automatically out unless we give notice to get in.

Senator FALL. Yes; we are automatically out unless we give notice to get in, and I very much hope that we will not give any such notice, and I would very much like an imperative provision that we shall not give any such notice.

Mr. PALMER. This is clear, Senator, I think. It says "unless." Unless what? Unless some notice is given. Therefore, the alternative is that if no notice is given it does not apply.

Senator KNOX. It says "notice to that effect." The effect of that paragraph is that under certain circumstances it shall not apply.

Mr. PALMER. Yes.

Senator KNOX. Therefore, it does apply unless notice is given.

Mr. PALMER. No; it does not apply unless notice is given.

Senator HARDING. The succeeding paragraph says, on page 353: "The allied and associated powers who have adopted this article and the annex." Does that contemplate notice?

Mr. PALMER. If you do not give any notice yourself, it does not apply. It says so.

Senator POMERENE. Yes.

Senator PITTMAN. Leaving out intervening words, does it not read this way: "The provisions of this article and of the annex hereto shall not apply unless notice to that effect is given"? That is the language of this section?

Mr. PALMER. Yes, sir.

Senator KNOX. Unless notice to the effect that it shall not apply is given.

Senator PITTMAN. The first statement is that it shall not apply unless notice is given to that effect.

Mr. PALMER. Senator, I think the words "notice to that effect" should be interpreted for that purpose.

Senator KNOX. I should be very much disposed to defer it to the interpretation that this committee would put upon it, but to my mind it is very confusing here.

Senator MCCUMBER. The matter is also in the French text, and we have here some very good French scholars, and I would like to ask some of them for their interpretation to see how the French agrees.

The CHAIRMAN. It is very blind.

Senator FALL. Mr. Chairman, I have nothing further that I wanted to question Mr. Palmer about. I want, personally, to thank him for his explanation of the matter I inquired about.

The CHAIRMAN. Does any other member of the committee desire to ask Mr. Palmer any questions?

Senator MOSES. Mr. Chairman, referring to page 273 of the committee text, which is Annex II, paragraph 15, following article 244, I would like Mr. Palmer to explain the practical working out. Of course, there are many things in connection with the Reparation Commission which possibly these witnesses are not prepared to take up.

Mr. PALMER. Is that in the reparation clauses?

Senator MOSES. Yes.

Mr. PALMER. I had nothing to do with that part of the treaty.

Senator MOSES. Is Mr. Baruch familiar with that?

Mr. BARUCH. Yes.

Senator MOSES. I will ask Mr. Baruch about that when he comes on, then.

The CHAIRMAN. If there is nothing further that the members of the committee desire to ask Mr. Palmer, the committee are much obliged to him, and we will now hear Mr. Baruch.

STATEMENT OF MR. BERNARD M. BARUCH—Resumed.

Senator MOSES. Have you the text before you to which I have referred, page 273 of our text?

Mr. BARUCH. Will you give me the article?

Senator MOSES. It is Annex II, paragraph 15, following article 244 of the treaty, on page 273 of the committee print.

I would like to know exactly how that would work out, practically.

Mr. BARUCH. It reads:

A certificate stating that it holds for the account of the said power bonds of the issues mentioned above.

Just let me go back to the beginning of this.

Senator MOSES. Look at the bottom of page 268 and the top of page 269.

Mr. BARUCH. Yes; I have it. This refers to the issue of so many hundreds of millions of marks of gold bonds.

Senator MOSES. Yes.

Mr. BARUCH. It says:

The commission will issue to each of the interested powers, in such form as the commission shall fix:

(1) A certificate stating that it holds for the account of the said power bonds of the issues mentioned above, the said certificates, on the demand of the power concerned, being divisible in a number of parts, not exceeding five, * * *.

Now, what is the question?

Senator MOSES. It also provides that certain warehouse certificates shall be divided in a certain manner.

Mr. BARUCH. It says, "certificates stating the goods delivered by Germany on account of her reparation debt." For instance, if a certain power should ask a certain amount of machinery, or——

Senator MOSES. Dyestuffs?

Mr. BARUCH. Or dyestuffs, or raw materials for the building of roadways or of houses, she might be credited and receive a certificate for that.

Senator MOSES. And it says:

The said certificates shall be registered, and upon notice to the commission may be transferred by indorsement.

That makes them securities for the market?

Mr. BARUCH. It was not intended that they should be reissued at all, but they were to be held in the commission.

Senator MOSES. Why, then, should the certificate be divided into five parts?

Mr. BARUCH. I presume that what was wanted by the various powers was to have something that they might get credit upon, but still the bonds would never be issued out of the commission's hands.

Senator MOSES. You mean the bonds would not pass out of the hands of the commission?

Mr. BARUCH. Yes.

Senator MOSES. But the certificates which were the evidence of ownership might pass out?

Mr. BARUCH. Yes.

Senator MOSES. And these five parts into which they had been divided, upon being indorsed by the government to which they passed, might be sold?

Mr. BARUCH. Well, the disposition of those divided parts would be entirely at the wish of the government that owned them.

Senator MOSES. There are a hundred million marks gold?

Mr. BARUCH. Twenty billions for cash, forty and forty billion; yes.

Senator MOSES. In other words, $20,000,000,000, par value?

Mr. BARUCH. Yes; about that.

Senator MOSES. And you have no idea as to the gross amount of the certificates representing merchandise?

Mr. BARUCH. Well, you could not arrive at that, Senator, until a demand was made by one of the interested powers, it might be Italy, or England, or France, or Belgium, for certain materials, which you will find, under an annex here, that they have a certain length of time to ask for.

Senator MOSES. Yes; I am familiar with that. Would that amount be likely to equal the amount of the bond issue?

Mr. BARUCH. No; I do not think so.

Senator MOSES. As the effect of the indorsement?

Mr. BARUCH. I do not think so, because you could not possibly use that amount of material.

Senator MOSES. Would the effect of the indorsement and transfer of these certificates be to add directly to the volume of securities in the financial markets of the world?

Mr. BARUCH. That is a question I could not answer.

Senator MOSES. The effect of it would be to place German bonds indorsed by another government upon the market, would it not?

Mr. BARUCH. I hardly think so, sir.

Senator MOSES. That would be the case unless the governments took these certificates and held them.

Mr. BARUCH. Yes; that is what they are going to do. As I understand it, the bonds are not to get out of the hands of the commission.

Senator MOSES. The bonds do not, that is true; but the certificates evidencing the ownership do.

Mr. BARUCH. I would like to reread this. Mr. Norman Davis attended to the financial part of the reparation, and I had more to do with the industrial part of it.

Senator MOSES. If there is some other attaché of the commission who is more familiar with that than you are, I will not inquire of you, but will wait for that other person. Whom was it you mentioned?

Mr. BARUCH. Mr. Norman Davis.

Senator MOSES. I do not want to inquire of you on a matter with which you are not thoroughly familiar.

Mr. BARUCH. If I may reread this, Senator, I can answer your question.

Senator MOSES. No; I just thought it would be more satisfactory if we could talk with the member of the commission who dealt with it.

Senator JOHNSON of California. Nevertheless, Mr. Baruch, in that paragraph (15), let me read the next to the last sentence. It reads:

The said certificates shall be registered, and upon notice to the commission may be transferred by indorsement.

That contemplates, of course, does it not——

Mr. BARUCH. Yes; that would.

Senator JOHNSON of California (continuing). That the certificates should be marketable and have a regular place upon the market, and be transferred not only from the governments or the commission, but be transferred from private individuals who may acquire them?

Mr. BARUCH. I just wanted to see to what issue of bonds this referred.

Senator JOHNSON of California. I think you will find that on pages 268 and 269.

Mr. BARUCH. Yes; I am just going over that. There are three issues to be taken up, a first, a second, and a third. I was wondering what this applied to. I know it was contemplated that these certificates should not be sold.

Senator KNOX. Still this section that Senator Johnson has just read contemplates it.

Senator JOHNSON. Those are certificates relating to demands which may be made by the various powers and not to the bonds.

Mr. BARUCH. You see this certificate states that it is held for such bonds. It is not a certificate for the bonds. It is a certificate to the holder saying that it holds for England a certain amount of bonds. It is not a certificate of the bonds.

Senator MOSES. These certificates may be registered, and upon indorsement may be transferred.

Senator FALL. And sold "when bonds are issued for sale on negotiation."

Mr. BARUCH. I would not be certain about it—Mr. Davis can tell you—but I think this was put in there for the purpose, perhaps, of transferring from one power to the other, rather than with the idea of their being put on the market. There was no contemplation of the bonds being put on the market, because no one knew the value that the German securities would have; but rather, if England had a debt against France or against Belgium or vice versa, that they might transfer some of these bonds. I think it was more on that account.

Senator KNOX. Here is a point that I want to know about. You have read from the treaty the provision that these shall be divided up into five parts. That, of course, means that the share of each nation shall be designated. Is that correct?

Mr. BARUCH. Yes, sir.

Senator KNOX. Very well. Now suppose that we generously forego and agree to the cancellation of such amounts as are awarded to us, does that go to the amelioration of the burden of Germany or the other four powers?

Mr. BARUCH. It would be toward the amelioration of the burden of Germany, but the other four powers would get it, I think, for themselves.

Senator PITTMAN. It says, "not to exceed five parts." It means that if the United States does not come in it will be divided into four parts?

Mr. BARUCH. He is talking about the certificates being divided into five parts, and not the amount of the issue of bonds.

Senator KNOX. I want to know who gets the benefit of our generosity if we forego this indemnity. Does it go to ease the burden of Germany or the other nations?

Mr. BARUCH. We think it will go to ease the burden of Germany, because Germany can not pay the entire claim.

Senator SWANSON. That would depend on what disposition this Government would make of its part.

Senator HARDING. If they did that it would have to accept the certificate and dispose of it on its own account.

Mr. BARUCH. The amount is not fixed as a definite amount. The general view is that there will not be enough to go around; that Germany will not be able to pay it.

Senator KNOX. There would be a disposition on the part of the reparation commission to increase the indemnity in spite of the fact that the United States does not propose to take any share of it. If we are going to be liberal here and forego to Germany the share that we are entitled to, I want to see it worked out so that Germany shall have the benefit of it.

Mr. BARUCH. That would be a matter which your commission would be able to decide. It would have the power to refund, I think, Senator, for the fact is borne in upon us every day that Germany will be unable to meet the bill that will be put against her.

Senator KNOX. What is the object of putting it against her, then?

Mr. BARUCH. That bill is going to be determined by the reparation commission. We were unable to determine the amount that she could pay. So it was left to the reparation commission after investigation to decide; so that it would decide five billions first, and then another amount, of ten billions and so on—a rather indefinite amount. Nothing definite has been decided.

Senator KNOX. Just one more question. So far as you know, is there any disposition to impose upon Germany, through the instrumentality of the reparation commission, more than you think she can pay?

Mr. BARUCH. Personally, I think so.

Senator KNOX. You think there is such a disposition?

Mr. BARUCH. It is a disposition born of the fact that she actually owes it. Germany actually owes more than she can pay.

Senator KNOX. It is hardly a good business policy to lay upon your debtor more than he can pay. No good business man does that.

Mr. BARUCH. The only remark I make about it is that you are correct, and that was the disposition of the American delegation, from the President down. Back of this is exactly the viewpoint of the intelligent business men, and that is the view that we took.

Senator JOHNSON of California. Just one question. Has a treaty been made that you gentlemen believe is incapable of being carried out by Germany?

Mr. BARUCH. No, sir.

Senator JOHNSON of California. Did you not just say that she would be unable to pay the amount of reparation?

Mr. BARUCH. I think that the amount of reparation that is justly due she is unable to pay, but the reparation commission will say how much she can pay, and that will be the amount. For instance, if the reparation commission fixed, say, fifty billions or one hundred billions, that would be unworkable because she could not pay it. You will find it is drawn up with extreme care. It was done in that way to avoid guesswork. It was almost one of the first commissions appointed and it was still sitting when we left Paris. Great care was taken to draw this so that it would work, and I think that it will work. There is no question in my mind that it will work.

Senator JOHNSON of California. It will work providing that the bill be scaled down by the reparation commission?

Mr. BARUCH. Provided they will scale it down to what Germany can pay.

Senator JOHNSON of California. That is what you mean?

Mr. BARUCH. Yes, sir.

Senator JOHNSON of California. So that on the figures as obtainable and presentable now, the bill is one that you say you do not think Germany can pay, but you rely upon the fact the good sense of the reparation commission will scale the amount down to a point commensurate with the ability of Germany.

Mr. BARUCH. Yes; and within that power it has been left so that it would work. It is workable; there is no question about that.

Senator JOHNSON of California. They have that power and the contrary power as well?

Mr. BARUCH. Contrary power? What do you mean?

Senator JOHNSON of California. That is, the power to scale down and the discretion to fix as well the amount that might not be scaled down.

Mr. BARUCH. To fix the amount. But, of course, if the amount is fixed, personally I think that will be the most workable treatment, to fix with Germany the amount which they themselves think they could pay. Of course, no one would fix an amount against a debtor that he did not think the debtor could pay.

Senator JOHNSON of California. Was it not that very fact of the fixing of the amount that was denied at the conference?

Mr. BARUCH. I do not exactly understand your question, but I will say this, that the American delegation contended continuously for the fixing of a definite amount.

Senator JOHNSON of California. They were unsuccessful in that contention?

Mr. BARUCH. Yes; because you can see it would involve the question of repairing farms, and losses to the civilian population, and there would be no possibility of doing that within such a short time after the sound of the cannon had died away, and to get any adequate idea of what the bill should be. It was impossible to get a bill for restoring the districts and the great factories that were ruthlessly destroyed in Serbia, Poland, and these other countries except after a great length of time, in order to find out what the bill would be. We could not say what the bill was; we could not determine it without an examination; and Germany was not in a condition to find out what she could pay. The only way we could examine the question was to make a guess, or leave it open in the way we did.

Senator JOHNSON of California. You sought in the first instance to have a specific amount fixed.

Mr. BARUCH. We sought until the last day.

Senator JOHNSON of California. You deemed that essential in order that there might be stability, and in order that you might have a definite and fixed sum which Germany could look forward to as the debtor nation and the Allies as the creditor nations.

Mr. BARUCH. Undoubtedly, it would be better to let Germany know what she had to pay, and to let the rest of the world know what it was to expect. But we soon saw it would be impossible to get up her bill and to get the people to determine now what that fixed sum would be.

Senator JOHNSON of California. Why until the last day did you continue to ask for a fixed sum?

Mr. BARUCH. Well, we discussed the question and tried to convince the people who were most interested, and to get them to come around to our viewpoint.

Senator HARDING. Germany preferred it too, did she not?

Mr. BARUCH. We never had any discussion with her on that.

Senator HARDING. Did she make such representations in her efforts to modify the treaty?

Mr. BARUCH. They complained about the indefiniteness of the amount, but we never had any hearing with them because we had no opportunity to get in touch with them to discuss this question.

Senator HARDING. Did I understand you to say that under this provision the American reparation commissioners would have the authority to say whether the United States of America would surrender any share of the reparation?

Mr. BARUCH. I think that has to come back to the United States Government. I will have to go back and read that over. I think the Governments themselves were to say whether they would relinquish any amount.

Senator JOHNSON of California. I think you are correct in that. I think in some place the treaty provides for that sort of thing.

Mr. BARUCH. Had I known that you would discuss this, I would have read it over again to get myself oriented about the reparation clause.

Mr. JOHNSON of California. One other question. The United States expects none of these reparations. That is the theory upon which you are acting, and I presume is the theory that will be finally acted upon if it is the desire of you gentlemen, who are most familiar

with it. That being the case, what has the United States representative on the reparation commission to do?

Mr. BARUCH. Senator Johnson, we are associated with these other Governments in the war. We are imposing certain conditions upon Germany, and the very thought which gave rise to Senator KNOX's impression is that we are imposing those conditions on Germany, and it is our duty and obligation to see that the spirit of this reparation is carried out.

Senator JOHNSON of California. The theory, then, and the only theory, upon which we take part in this work of the reparation commission is to see that that idea is carried out?

Mr. BARUCH. No; not entirely; and I think, though I am not entirely clear, that there are some reparational demands that will be put in. I am not clear about that.

Senator JOHNSON of California. You mean by the United States?

Mr. BARUCH. Yes; some of them. I am not clear about it.

Senator POMERENE. Such as the *Lusitania* claims?

Mr. BARUCH. For the loss of ships. The *Lusitania* and the *Frye* cases were prewar claims, which we took occasion to protect in dealing with enemy property. But even if we do not receive any, I think, individually—I am not here to discuss policy, and this is only my view—it seems to me that we had to become a party to these obligations that we are forcing upon Germany and that we have been very insistent upon. Therefore I do not see how we could escape being a party to see that this is carried out; and all the nations of the world, England and the various countries, are looking to the United States to help them in these decisions.

Senator JOHNSON of California. I want to get your viewpoint. Our activities will be wholly altruistic?

Mr. BARUCH. I would say no to that, for this reason. The spirit and the wisdom of the carrying out of this reparation commission is a matter of dollars and cents in the United States of America, because upon the wisdom of those decisions depend the financial and the industrial conditions of the world for years to come, and perhaps for many generations.

Senator JOHNSON of California. Then it is from the world standpoint and for the stabilizing of the world?

Mr. BARUCH. And from our own personal interests. Germany was a very large customer of ours. And this reparation commission does not deal alone with Germany, but with all the great central empires, and there are some 130,000,000 to 150,000,000 people involved in this, and it is a matter about which we are moved by great altruistic ideas primarily, but it is also a matter of deep self-interest.

Senator JOHNSON of California. I am inquiring only to get your view. I am not speaking in hostility to that view, or in criticism of it.

Mr. BARUCH. I quite appreciate that.

Senator JOHNSON of California. Now, we will be engaged for some 30 years or more, then, in this particular design that you suggest?

Mr. BARUCH. Not necessarily, Senator.

Senator JOHNSON of California. Not necessarily?

Mr. BARUCH. The probabilities are that it will be shorter than that if we are wise.

Senator JOHNSON of California. If we are wise. You mean the Reparation Commission?

Mr. BARUCH. I mean not the United States alone, but all the people interested.

Senator JOHNSON of California. That is, if the other four powers with whom we will act, and who will have the determination of the matter, are wise?

Mr. BARUCH. I do not think they have any more to say in the determination—I think America will be the determining factor.

Senator JOHNSON of California. That is, our one vote will be the determining factor?

Mr. BARUCH. I think the influence of the American representatives will be greater, perhaps, than that of any other individuals.

Senator JOHNSON of California. Do you think that opinion justified by what has transpired at the peace conference?

Mr. BARUCH. Yes, sir.

Senator JOHNSON of California. And it is justified——

Mr. BARUCH. I take it as a matter of fact as I have seen it with my own eyes, and from the facts that greeted me on all sides in the relation that Americans had with the various powers.

Senator JOHNSON of California. And in the terms of the treaty that was made, you think the opinion you just gave is justified?

Mr. BARUCH. Yes, sir.

Senator JOHNSON of California. And that the predominant factor in fixing those terms was the United States?

Mr. BARUCH. Which terms?

Senator JOHNSON of California. Generally speaking, the terms of the treaty of peace.

Mr. BARUCH. I think that in most instances we had a very great voice in it.

Senator JOHNSON of California. The "predominant" voice? I think that was your adjective.

Mr. BARUCH. I was referring particularly at that time to the reparation commission.

Senator JOHNSON of California. Not to territorial distribution?

Mr. BARUCH. I was not familiar with those.

Senator JOHNSON of California. Who drew up the economic provisions?

Mr. BARUCH. In here?

Senator JOHNSON of California. Yes.

Mr. BARUCH. They were drawn up by the economic commission, of which myself and Mr. Lamont were American representatives. I do not know whether you heard yesterday my effort to show you the way it was worked and how these various decisions were arrived at.

Senator JOHNSON of California. Is it not a fact that the whole economic section of the treaty was drawn up by England?

Mr. BARUCH. It is not, sir; unless you can call me an Englishman, sir.

Senator JOHNSON of California. I am not referring to specific provisions, but generally speaking were the economic sections the result of the work of the United States commissioners or of the United States commission of which you are a member?

Mr. BARUCH. We had a most active part in it.

Senator JOHNSON of California. I mean in the very phraseology and the very drawing up.

Mr. BARUCH. The phraseology was drawn up in the subcommittees, and then that was turned over to the drafting committee, which drafted or redrafted in some way, but never changed what we thought was the meaning of the clause.

Senator JOHNSON of California. Do you recall whether England presented the economic section of the treaty?

Mr. BARUCH. Every one presented different views. We did that when we had a drafting committee, of which I was the sole American member. Everybody was, of course, asked to give their views.

Senator JOHNSON of California. But you are quite certain that the economic provisions contained in this treaty were not the result of the work of the English commissioners or representatives?

Mr. BARUCH. Of course they were not; there were suggestions by them, of course. There were suggestions by everyone.

Senator JOHNSON of California. I did not mean wholly, in detail; but largely? These economic provisions that are a part of this treaty, are they not largely those that were drawn by the English people?

Mr. BARUCH. If you mean that they drew up these clauses, no. We all had a hand in it, and the Americans had their say.

Senator JOHNSON of California. Do you recollect having a draft before you that was presented by the English?

Mr. BARUCH. Oh, yes; everyone prepared drafts—the Italians, French, and English. Everyone prepared drafts.

Senator JOHNSON of California. Do you recall whether it was the English draft on which you worked and of which this treaty is the result?

Mr. BARUCH. No; I do not recall that, Senator.

Senator JOHNSON of California. Would you say that that was not correct?

Mr. BARUCH. It may or may not be correct, but I do not see what bearing it has on the case. Anyone was free to offer any suggestions, and we were glad to have people come forward with constructive suggestions, and we would take them or modify them as we saw fit.

Senator JOHNSON of California. This is a apart from the particular inquiry here, but did you participate in the execution of the provision, of the Austrian treaty?

Mr. BARUCH. Yes, sir; our various associates did.

SENATOR JOHNSON of California. Did you have a great participation in the economic provisions of the Austrian treaty than you did in the treaty witn Germany?

Mr. BARUCH, I do not think so; no, sir. We had the same participation.

Senator POMERENE. In order to make the record clear, when you say "you," you mean the delegation here?

Senator JOHNSON of California. I mean Mr. Baruch in conjunction with the American personnel.

Mr. BARUCH. I presume you mean the American representatives.

Senator JOHNSON of California. Because of some information that has come to me, I ask you the direct question, not for the purpose of questioning what you have said in that regard, but in order that we may be perfectly clear in the matter: Was it or was it not a fact that the whole economic section of the treaty was substantially drawn up by England and presented, and that the English draft was substantially or largely accepted?

Mr. BARUCH. That I could not remember. I can only say this——

Dr. TAUSSIG. Not in the slightest.

Mr. BARUCH. Dr. Taussig, who was there with us, says not in the slightest. I do not know just exactly what the Senator has in his mind, but I would like to say this, that every delegation was asked to present views and suggestions, and if we liked them we took them, but if we did not like them we did not take them.

Senator JOHNSON of California. When you say "we"——

Mr. BARUCH. I mean the American delegation. We took anybody's suggestions, irrespective of whom they came from. We were there for that purpose, and when they brought in these suggestions they were taken before the various subcommittees, and if any suggestion was approved, no matter from whom it came, it was written up.

Senator MOSES. And the decision was by a majority?

Mr. BARUCH. Our decisions were unanimous. We had to work to a unanimous decision.

Senator HITCHCOCK. How many nations were represented?

Mr. BARUCH. Twenty-three. That may give you some idea of the difficulties involved in every one of these questions.

Senator KNOX. Did you have much trouble with Liberia?

Mr. BARUCH. I did not see much of her.

Senator MOSES. Have you the committee print before you, Mr. Baruch?

Mr. BARUCH. Yes.

Senator MOSES. Will you turn to page 271, to paragraph 13 of the annex?

Mr. BARUCH. Yes; as to reparations.

Senator MOSES. As to voting. I wish to ask you particularly with reference to subdivisions (*a*) and (*f*). The commission under this paragraph would have to have a unanimous vote on the cancellation of any portion of the debt or obligations of Germany. Do you think that would be easily arrived at in its decision?

Mr. BARUCH. I do not think it would be easy, but it could be done.

Senator MOSES. Do you think that an interpretation of the treaty by unanimous vote as provided in subdivision (*f*) would be easy?

Mr. BARUCH. That is, of the provisions of this part?

Senator MOSES. Yes.

Mr. BARUCH. I think it can be done; yes.

Senator MOSES. If that was done the question would never come back to the United States, would it?

Mr. BARUCH. That is correct, sir.

Senator FALL. Then the commission would have the right to cancel, without reference back to the United States, any portion of the German debt, or the American portion of the debt?

Mr. BARUCH. There is here another clause regarding cancellation, that I would like to find before I answer that question.

Senator FALL. Now, if the American representative on the commission desired to secure or to grant to Germany a postponement, either totally or partially, beyond 1930, of any payment or settlement falling due between May 1, 1921, and the end of 1926, the American commissioner could not secure such action except by unanimous vote?

Mr. BARUCH. That is right, sir. That is clause (*c*) that you refer to?

Senator FALL. Yes. And then in clause (*d*) there is the same case; so that with the American commissioner there, if we do not care for any of this reparation at all, and we sit there simply to carry out, you say, the obligations which we have incurred by going into it at all, still we would have only one vioce, and it requires a unanimous voice for the commission to grant any of these postponements.

Mr. BARUCH. They can not do anything without us.

Senator FALL. No; and we can not do anything without them. They might not want to postpone. They might want their money, and we not want it. They can not get it.

Mr. BARUCH. I do not think that it is fair to say that we are not getting anything. We are getting 130,000,000 of people on their feet, people who have been accustomed to deal with us, and helping to get a reestablishment of the financial system of the world, which is important.

Senator FALL. Providing we can force our ideas on the commission. But one of the commissioners can balk us on any step we take.

Mr. BARUCH. It is always fair to assume that we could get some arrangement.

Senator KNOX. Who are these 130,000,000 people?

Mr. BARUCH. There are more than 60,000,000 Germans and some 70,000,000 Austro-Hungarians.

Senator KNOX. Do you think this treaty puts Germany on her feet?

Mr. BARUCH. I do not think I said so. If I used that language, it did not carry my thought.

Senator KNOX. That is what you said.

Mr. BARUCH. I think I may have given a wrong impression. What I meant to say, Senator, was that the reestablishment of financial conditions, and therefore of the industrial conditions, will help to get them reestablished and get on their feet.

Senator KNOX. My recollection is that your exact answer was that we got a great deal out of this treaty because that put 130,000,000 of people on their feet.

Mr. BARUCH. What I meant was that we got a great stake in the reparation commission, even from a selfish view, because we are interested in seeing 130,000,000 people get themselves going again, and we are interested in getting the reestablishment of industrial conditions of the world. Do I make myself clear?

Senator KNOX. Perfectly.

Senator HARDING. I want to ask if the inference is that our chief function on the reparation commission is one of a friendly and helpful interest to Germany and the Central Powers for our selfish interests rather than anything else?

Mr. BARUCH. No; I would not day so, Senator. I think it is a necessary thing for America first.

Senator HARDING. Why do you say that it is to the interest of America when the Central Powers are the most formidable commercial rivals that we have?

Mr. BARUCH. Can you imagine the world being prosperous while 130,000,000 millions of people right in the center of the industrial

population are not prosperous? Can you imagine prosperity without the financial prosperity of the Central Powers, with the finances of Italy, France and of Belgium and their industrial life, and to a large extent England's, depending on what they are going to receive from those people? In that way this reflects upon us. It is a great big partnership. We can not separate ourselves from it. It is of vast consequence to America.

The CHAIRMAN. Mr. Baruch, I just want to ask a question about your figures. Are you quite correct about the population of Austria?

Mr. BARUCH. I think it is something like 70,000,000.

The CHAIRMAN. At the beginning of the war it was said to be about 52,000,000—9,000,000 Austrians, 14,000,000 Hungarians and 26,000,000 Slavs. Those were the figures given at that time, with Germany about 70,000,000. That made about 120,000,000 altogether.

Mr. BARUCH. I thought Austria-Hungary was larger; 130,000,000 was the figure I had in mind. It may be 120,000,000. Bulgaria is in there. That is another 15,000,000.

Senator HITCHCOCK. Our interest in the welfare of Europe, Mr. Baruch, you estimate is because our chief exports go to Europe? Europe is our large customer?

Mr. BARUCH. She is our large customer.

Senator HITCHCOCK. We have therefore that interest in the restoration of order and of normal conditions in those countries because our export trade depends to a large extent upon it?

Mr. BARUCH. Quite correct.

Senator HARDING. Do I understand you, Senator, that you have got away from your devotion to humanity and are now merely a selfish commercialist?

Senator HITCHCOCK. I mix the two together.

Mr. BARUCH. I think the Senator will admit that himself.

The CHAIRMAN. I must be on the floor when the Senate opens, I do not want to interfere with the hearing, and I will ask Senator McCumber now to take the chair. I ask the committee to meet in executive session in the committee room in the Capitol at 3 o'clock so that we may dispose of the resolution of Senator Kenyon. I do not want to stop the hearing now to take that up.

Senator MOSES. There are others of us who have to be on the floor, Mr. Chairman, and I move that the committee stand in recess until 3 o'clock, then to meet in executive session.

Senator MCCUMBER. There have been quite a number of questions asked, but I think we are not quite through with the witnesses. I want to ask a few questions, perhaps three or four, of Mr. Baruch.

The CHAIRMAN. I see no reason why those Senators who care to stay should not continue the hearing.

Senator KNOX. I have to be on the floor, and I have a few questions that I want to ask Mr. Baruch.

Senator WILLIAMS. I move that we take a recess.

Senator POMERENE. It is quite apparent that we can not finish to-day with Mr. Baruch and with the other witnesses who are here. A number of Senators want to be on the floor, and I think we ought to adopt the motion made by the Senator from New Hampshire to take a recess at this time.

The CHAIRMAN. I only want it remembered that we are to meet at 3 o'clock this afternoon. These hearings will be continued to-morrow morning at 10.30 o'clock.

Now, will the committee give me their attention for one minute? Mr. Taussig is here in regard to the customs provisions of the treaty. I am not aware that any Senator has expressed a desire to ask questions on that subject, and it would be convenient to Prof. Taussig to know whether the committee desire to question him about the customs provisions. I have heard nothing said about it.

Senator MOSES. Upon the examination of these witnesses on this section may depend what we may wish to inquire about further. I think it advisable to request Prof. Taussig to come again.

The CHAIRMAN. Then the committee stands adjourned to meet at 3 o'clock, in the room of the Committee on Foreign Relations in the Capitol, and to continue the hearing here to-morrow at 10.30.

(Thereupon, at 12 o'clock, noon, the committee adjourned until to-morrow, Saturday, August 2, 1919, at 10.30 o'clock a. m.)

SATURDAY, AUGUST 2, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met at 10 o'clock a. m., pursuant to adjournment, in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), McCumber, Brandegee, Knox, Johnson of California, New, Moses, Swanson, Pomerene, Smith of Arizona, and Pittman.

The CHAIRMAN. Prof. Taussig is anxious to go away, and Senator McCumber desires to ask him some questions. We will allow Prof. Taussig to take the stand first this morning.

STATEMENT OF MR. F. W. TAUSSIG.

Senator MCCUMBER. Prof. Taussig, there was, in some of the questions asked yesterday, an assumption that the financial clauses were the work rather of British delegates. I want to ask you whether or not, under the terms of the treaty, there are not considerable portions of the treaty that relate to matters that are of peculiar interest and particular interest to Great Britain and France only, in which the United States has very slight, if any, direct interests, and to ask you also to what extent the American delegates took part in the matter of formulating the financial provisions, and to what extent the British delegates took part, and so forth.

Mr. TAUSSIG. You have in mind, Senator, the economic clauses as well as the financial clauses?

Senator MCCUMBER. The economic clauses equally with the financial clauses. I should include them.

Mr. TAUSSIG. Of course, there were some of the economic questions with which the British and French were peculiarly concerned. The arrangement in regard to prewar duties, for example, was one which the British and the French put together and which the United States from the start said that they would not enter into. Naturally the drafting of the details of that was something in which the American delegates took no part, since we would not enter into it anyhow. Those clauses in their details occupy a considerable number of pages in the treaty.

When it comes to the clauses in which the United States entered, all nations took their part, and we took our hand in the drafting, as other nations did, and I do not think it can be said that there was a predominance of any country.

Senator McCUMBER. There were certain interests, especially prewar interests, that were applicable only to Great Britain and France, were there not?

Mr. TAUSSIG. The clearing-house system was peculiarly applicable to Great Britain and France, and, as was explained by Mr. Palmer yesterday, from the first we did not expect to enter that.

Senator McCUMBER. Can you say that the financial or economic provisions were peculiarly the presentation of any one nation——

Mr. TAUSSIG. It can not be so said.

Senator McCUMBER (continuing). Outside of those in which Great Britain and France alone were interested?

Mr. TAUSSIG. It can not be so said. Drafts were received from all the countries—from the United States, from Great Britain, from Italy, from Belgium, from the Slavs—and they were all considered in formulating the clauses as finally presented to the supreme council.

Senator McCUMBER. And you did not follow one recommendation, or the recommendation of one nation or its delegates, any more than that of others?

Mr. TAUSSIG. No, sir.

Senator McCUMBER. Those are all the questions that I wanted to ask.

Senator POMERENE. Prof. Taussig, you have spoken of the clearing house as applying to Great Britain, France, and Belgium, etc., and I have in mind what Mr. Palmer said bearing upon that subject, which in substance was that that was a matter in which the United States had no particular interest. Do you desire in any way to qualify the statement of Mr. Palmer or to add anything to it?

Mr. TAUSSIG. No, sir; not in the least. I only wanted to point out that when it came to the drafting of the clauses of the treaty we allowed—I will not say we allowed—we naturally accepted a situation in which Great Britain and France, who wished to put that arrangement into effect, undertook the drafting of the clauses; and it could be said in regard to those that the drafting was British and French.

Senator POMERENE. Then, if I understand you correctly, any statement to the effect that the British representatives dominated the framing of these economic and financial provisions is purely voluntary and without any foundation in fact?

Mr. TAUSSIG. I saw no indications of that—of any dominance of any one country.

Senator POMERENE. Yes.

Mr. TAUSSIG. I think it may be said that the United States in some respects exercised a greater influence than other countries, in that on occasions we were asked to act as arbitrators when there were disputed questions.

Senator POMERENE. Do you care to suggest what those subjects were?

Mr. TAUSSIG. Yes. For example, there was a question as to certain remissions of duties by Germany, or retentions by Germany; that Germany should not change her duties on certain products. You will find that in the treaty in regard to Italian products. Other countries wished the same advantages from Germany—France, Belgium, Japan, Jugo-Slavia—and it was difficult to settle it; and finally it was left to the American representative, and the subcom-

mittee said, "Whatever the American representative decides we will accept"; and the matter was settled in that way.

The CHAIRMAN. If there are no further questions to ask Prof. Taussig, we are very much obliged to him.

Senator POMERENE. Mr. Chairman, I understood that Prof. Taussig was to be called upon to explain the customs features.

The CHAIRMAN. No; he was kept here because Senator McCumber wanted to ask him some questions. I do not know of any questions on customs that are to be asked him.

Senator POMERENE. I do not know of any, but while the professor is here I should like to ask him if there is any explanation of these customs provisions which he would like to make to the committee.

Mr. TAUSSIG. There is one point to which I think attention may be drawn. Under the customs provisions Germany gives to the Allies most-favored-nation treatment for a period, and the Allies do not give Germany most-favored-nation treatment, and the unilateral character of the arrangement has sometimes been criticized. That provision was made in order to make the competition between the devastated regions, France and Belgium, for example, on even terms with Germany during the five-year period. The French and Belgians feared that during this period, while their industries were devastated and broken down so that they could not compete with the Germans, the Germans might make special arrangements with neutral countries or with allied countries such as they have made in the past, by which the Germans would give favors, we will say to Sweden, and Sweden would in return give favors to Germany, and that consequently Germany would be enabled to get in her goods and get her trade established during the period when the French and the Belgians were incapacitated from carrying on their businesses; and in order to prevent Germany from making special arrangements for getting in her trade, this stipulation was put in, that during five years Germany should follow the most-favored-nation policy as to the Allies, which would prevent her from making special arrangements for getting her goods into these other countries while France and Belgium were devastated. That is the explanation of this most favored nation arrangement for five years, and for the obligation imposed upon Germany. That is not always understood, why it was that Germany was to give most favored nation treatment to the Allies, and the Allies were not during this five-year period to give it to Germany.

The CHAIRMAN. If there are no further questions to be asked of Prof. Taussig, we will excuse him, and we are much obliged to him.

STATEMENT OF MR. BERNARD M. BARUCH—Resumed.

The CHAIRMAN. Several members of the committee have expressed a desire to ask Mr. Baruch certain questions.

Senator MOSES. Mr. Baruch, are you familiar with the operations of the central Rhine commission mentioned in the treaty in article 65?

Mr. BARUCH. No.

Senator MOSES. Then you can not shed any light upon the question asked yesterday with reference to the appointment of an American member on that commission?

Mr. BARUCH. No.

Senator POMERENE. On what page is that?

Senator MOSES. On page 101 and page 103 you will find a reference to the central Rhine commission.

Mr. BARUCH. What did you say about appointments?

Senator MOSES. The central Rhine commission, as I have always understood, was an international body established by convention prior to the war, and had functions then. Now, according to the dispatches from Paris, which appeared in the morning paper yesterday, that commission is functioning with an American representative on it. I was wondering whether you knew anything about it.

Mr. BARUCH. I am not qualified to give any explanation upon that, Senator.

Senator MCCUMBER. Mr. Baruch, I should like to ask you a question or two. It was at least suggested in some of the answers of yesterday that it would be extremely difficult for Germany to respond to the damages assessed by the allied powers against her. Let me ask you first if there is not a provision in the treaty that Germany shall at least be required to pay as heavy a tax as the other nations?

Mr. BARUCH. Yes; that is correct.

Senator MCCUMBER. And she probably could pay as heavy a tax as other nations engaged in this war, could she not?

Mr. BARUCH. Yes.

Senator MCCUMBER. Now I call your attention to the fact that in the year 1919, ending June 30, the per capita tax in Great Britain was $86.13, while the per capita tax in Germany was only $22.88, or only about one-fourth as much as in Great Britain.

Senator POMERENE. Will you please give those figures again, Senator?

Senator MCCUMBER. In Great Britain the per capita tax for the year ending June 30, 1919, was $86.13, while that of Germany was $22.88, or about one-fourth the per capita tax of the people of Great Britain; and the per capita tax of the United States was $39.13, or nearly double the per capita tax of Germany. Now with the German industries in such a position that they can be immediately put in operation the moment that she gets over her Bolshevik fever, is she not in a pretty fair condition to pay such additional tax, equivalent to that of other nations, and thereby take care of this sum of about $24,000,000,000 that is assessed against her?

Mr. BARUCH. I will answer that question in a moment. First I wish to say that the impression that $24,000,000,000 is the total sum is incorrect, because that is only the first issue of securities. But if you will notice, if goes on to say "shall forthwith issue any further obligations" so that the $24,000,000,000 is not the limit of what Germany may be assessed to pay, but the amount is unlimited.

Senator MCCUMBER. That is a sort of indemnity; and then she is to pay reparations in addition.

Mr. BARUCH. No; the whole matter is all reparation, but the $5,000,000,000 bonds and the two succeeding amounts of $10,000,000,000 each are amounts that will be issued under certain conditions; but they can issue further amounts if it is found that she is able to pay and that the bill calls for the amount. So the $24,000,000,000 is not the limit of what can be called for under the clauses of the reparation. Then, no doubt your figures as to taxes are correct; but Germany did not pay the costs of the war in the same manner, for instance, as did England and the United States. If my memory serves me correctly,

Germany paid only about 9 per cent of the cost of the war by taxation. Most of her costs of the war were paid through issues of securities.

Senator McCUMBER. She paid only 9 per cent by taxation.

Mr. BARUCH. Yes. That accounts for her small amount of taxes. The other nations paid varying percentages. The United States stands, I believe, at the head of the list in the amount of money that we have actually paid, by taxation, to defray the costs of the war.

The CHAIRMAN. The United States has raised much more by taxation in proportion to the total expenditure, than any other country?

Mr. BARUCH. Yes. I would not be certain about the figures, but the amount raised by taxation by the United States is somewhere between 35 and 40 per cent of her total expense. Those figures may be wrong, but we stand at the top of the list on the amount of the cost which we have paid by taxation.

Senator McCUMBER. It is higher than England. England had paid about 28 per cent and we stand a good deal higher than that.

Mr. BARUCH. I believe that is correct, Senator. Now, as to the ability of Germany to increase those taxes, there is no doubt that she can do so; but I would like to call your attention to this fact, that although her plants in themselves, the physical plants, are intact, and she saw to it through a systematic and wanton destruction of her neighbors that they would be so—she not alone destroyed those plants but took things out of the Belgian and French and Italian plants and increased her own facilities in that way—she is not in a position to take advantage of that unless the reparation commission permits her to do so through the purchase of raw material. She has got to have raw material, cotton, copper, wool, jute, and so on, to put into her factories, in order to enable them to have something to manufacture.

Senator McCUMBER. But the authority is vested in the commission to do that.

Mr. BARUCH. If she had a world market, and was not restricted as to the amount of money she could spend for these things, your statement would be absolutely correct. I have answered the question indirectly. She can not go ahead and do what it appears she can do unless the reparation commission permits her to do so.

Senator McCUMBER. And if the reparation commission act with judgment, they will permit her to do so?

Mr. BARUCH. As an act of good judgment, they will.

Senator McCUMBER. And we must assume that they will do that. Now I again call your attention to the fact that in the matter of determining whether Germany can pay a greater assessment of taxes, the debt of Germany is to her own nationals for the most part, and under the treaty this debt must be subrogated to the interest of the assessment made by the Allies against Germany.

Mr. BARUCH. Quite correct.

Senator McCUMBER. So at present she will not have to look after that debt unless it be for the purpose of strengthening her own credit in order to raise money; and secondly, that while the United Kingdom at the date I have mentioned, June 30, 1919, had an estimated national wealth of about $85,000,000,000, Germany had $78,000,000,000, or nearly as much, while her taxation was only about one-fourth as much. Therefore, with a wealth nearly equal to that of Great Britain, including Ireland—the United Kingdom—do you not think that without destroying her industries she could reach an amount of

taxation equivalent to what is imposed upon the British subjects and thereby meet these obligations, with the proper assistance given by the reparation commission?

Mr. BARUCH. I do not think she can, for this reason, Senator, that England has a free supply of raw materials. Germany has lost a large percentage of her coal. She has certain obligations under the treaty for the delivery of coal. If I mistake not she has lost something like 70 per cent of her iron ore.

Senator MCCUMBER. Can that be remedied to any extent by the reparation commission?

Mr. BARUCH. No, sir; because she has got to go out into the open market and buy in competition. The delivery of her coal can be ameliorated to the extent that it must not interfere with the economic and industrial life of Germany.

Senator MCCUMBER. Yes; but let me ask you right there, is not the coal condition in Great Britain practically as bad as it is in Germany to-day or nearly so? Are not conditions extremely bad?

Mr. BARUCH. I should say they are very grave.

Senator MCCUMBER. I wish you would explain to the committee what you mean by "very grave."

Mr. BARUCH. Well, I would not want to qualify as an expert upon this subject, but the production of coal in England has been very seriously hampered from various causes with which you gentlemen are familiar, and that has resulted in very high prices for coal. The production has decreased and the costs have gone up, and it is of very serious moment to England, because coal, of course, is one of the bases of manufacturing, and the cheap production of coal is one of the great causes of England's supremacy both in her manufacturing and in her bunkering of ships all over the world; and of course it is a matter of very serious moment to England that she should be able to continue to have a large and constant and cheap source of supply of coal; and from the present appearances it looks as though this was very seriously menaced.

Senator JOHNSON of California. That arises out of internal differences, does it not?

Mr. BARUCH. Yes. I did not want to convey any other impression.

Senator JOHNSON of California. It is not because she has not sufficient supply or because that supply can not be mined, but it is because of differences that exist.

Mr. BARUCH. Yes; internal social and labor conditions.

Senator JOHNSON of California. Exactly.

Mr. BARUCH. There has been considerable talk regarding the lessening of her coal mines, but that may be only gossip and rumor, because those things always appear.

Senator JOHNSON of California. As I gather, the supply exists and is easy to be had, but the internal differences which exist have resulted in recent investigations, and these differences, and the question of the nationalization of coal mines which is now being discussed, are the reasons for the existing situation, are they not?

Mr. BARUCH. Precisely.

Senator MCCUMBER. But nevertheless the condition is there?

Mr. BARUCH. Oh, yes.

Senator MCCUMBER. And it is a serious condition.

Mr. BARUCH. A very serious one.

Senator McCUMBER. As a matter of fact, do you not think that the United States will be equally interested in bringing about a condition in which all the industries of Europe can be again put into operation, for our own financial gain?

Mr. BARUCH. Unquestionably so.

Senator McCUMBER. For instance, Great Britain up to the time of the war bought from the United States about one-half of all of our exports. She was our greatest customer. Our trade with Great Britain was more than double our trade with Germany prior to the war, on an average.

Senator JOHNSON of California. Did the Senator mention textiles?

Senator McCUMBER. No; I say our commercial trade with Great Britain was about double our trade with Germany, and the balance of trade in our favor, of course, was about double. Take the year ending June 30, 1914. We sold to Great Britain nearly $600,000,000 worth of goods and bought back from Great Britain less than $300,000,000, giving us over $300,500,000 in our favor.

Mr. BARUCH. That was in 1914?

Senator McCUMBER. In 1914; while to Germany we sold $344,000,000 and purchased $189,000,000, leaving but $154,000,000 in our favor. Now, inasmuch as Great Britain as well as Germany is a heavy purchaser of our goods—and Italy likewise—should not our policy be to assist all those nations to be put on their feet as soon as possible?

Mr. BARUCH. Unquestionably.

Senator McCUMBER. And that assistance should not be given any more to one nation of the Old World than another?

Mr. BARUCH. I think they all ought to be assisted, but I think good judgment should be used in the way they should be assisted, and to whom assistance should be given.

Senator McCUMBER. But our allies at least have an equal claim with our enemies upon our generosity?

Mr. BARUCH. Oh, unquestionably.

Senator JOHNSON of California. Does that apply to China?

Senator McCUMBER. I think so.

Mr. BARUCH. I think so.

Senator SWANSON. To get my own mind clear. There is nothing in this treaty that prohibits the nationals of Germany individually from buying all the raw material that they see proper, in order to develop their own factories, is there?

Mr. BARUCH. Yes; there is.

Senator SWANSON. Do you mean that an individual factory in Germany can not make purchases of raw materials except through the reparation commission?

Mr. BARUCH. No, sir; they can not.

Senator SWANSON. Where is that clause?

Mr. BARUCH. Article 235. Mr. Norman Davis is more familiar with that than I am, but article 235 provides that—

> Out of this sum the expenses of the armies of occupation subsequent to the armistice of November 11, 1918, shall first be met, and such supplies of food and raw materials as may be judged by the governments of the principal allied and associated powers to be essential to enable Germany to meet her obligations for reparation may also, with the approval of the said governments, be paid for out of the above sum.

Senator SWANSON. That refers to the first $5,000,000,000?

Mr. BARUCH. Yes.

Senator SWANSON. That is applicable to the reparation fund, is it not?

Mr. BARUCH. Yes; but out of that the amount of cash that Germany could pay in the first few years is limited, and in order to give her an opportunity to buy raw materials they said she shall have so much out of this as is necessary to buy them. Now, a man can not go and buy copper or jute or some other raw material and send credit out of the country unless the reparation commission let him do so, because it might affect the payment of this first $5,000,000,000 in cash.

Senator SWANSON. Do you mean that individuals can not do it?

Mr. BARUCH. They can not if it conflicts with the first cash payment.

Senator SWANSON. I do not catch that. I had an idea that there was a reparation commission provided, but that a concern in Germany could buy raw material if it had the money or credit individually, and then, in addition to that, that the reparation commission could make loans to enable them to get raw material if they could not get it on their own individual credit.

Mr. BARUCH. No, sir; no plans for the reparation commission to make loans.

Senator SWANSON. I wanted to get my mind clear on that.

Mr. BARUCH. It says here—

And such supplies of food and raw materials as may be judged by the governments of the principal allied and associated powers to be essential to enable Germany to meet her obligations for reparation may also, with the approval of the said governments, be paid for out of the above sum.

That is the reason why it is necessary for us to have a man to represent us on that commission.

Senator SWANSON. It says—

Out of this sum the expenses of the armies of occupation subsequent to the armistice of November 11, 1918, shall first be met.

That is the reparation sum?

Mr. BARUCH. Yes.

Senator SWANSON. Further it says:

And such supplies of food and raw materials as may be judged by the Governments of the principal allied and associated powers to be essential to enable Germany to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum.

Mr. BARUCH. If she can put up more than $5,000,000,000 then there will be cash available to individuals.

Senator SWANSON. What I want to get clear in my mind is this: Here is a manufacturing concern in Germany that has money or credit, and it wants copper or it wants cotton. It can buy it individually without asking any credit from the reparation commission, without borrowing any of this money. Can that concern come here and buy cotton or buy copper, or must it get it through the reparation commission?

Mr. BARUCH. Not through it, but the reparation commission must be satisfied that it is going to get this sum of money. Germany has no right to go outside and get these materials for cash unless the reparation commission are satisfied that Germany is going to pay them this first cash sum of $5,000,000,000. If they are satisfied that Germany can pay that first cash sum, that will permit them to let

these men go out and buy their cotton or copper—so much as is necessary; but it has got to be done under the reparation commission.

Senator SWANSON. Do you think that is provided for under section 235?

Mr. BARUCH. Yes.

Senator JOHNSON of California. And it is wholly discretionary whether it be allowed, or in what proportion it shall be allowed. That is discretionary with the reparation commission.

Mr. BARUCH. Yes; otherwise, you see, the individuals might, through some excuse or other, send out every dollar of gold and credit and securities that there was in Germany.

Senator SWANSON. After they put the taxes as high as they were in Great Britain, and after the taxes have been paid, then if a concern has something left after paying its taxes it can not, as I understand from you, use any surplus after paying its taxes to purchase any raw materials anywhere in the world without the consent of the reparation commission.

Mr. BARUCH. That is partly correct, and I will tell you why. If a man had the right to use his money and send it out of the country, they might leave absolutely nothing but a shell in Germany. The German Government themselves are going to set up machinery to see that all the money that can be taxed does not escape. Otherwise, if there was no overseer of this thing, every dollar of gold, every bit of securities, everything that would have any cash value, could be shipped out of Germany and there would not be anything left there to be taxed or for the Allies to get their reparation from.

Senator SWANSON. If they bought property, if the money was exchanged for goods that were brought into Germany, the property could be taxed by the Government when it came back, could it not?

Mr. BARUCH. Yes; that is right. The way this will work out will be that the very trade you speak of will go on continuously, and it will have to be done under the general eye of this machinery of the reparation commission, and that is one of the reasons why it is necessary for us to be represented on that commission, and why some provisional arrangement should be set up so that Germany can start now.

Senator SWANSON. I had obtained the idea that the nationals of Germany after they paid their taxes could use any balance they had for the purchase of raw material, and in addition to that, out of the sum given to the reparation commission, they could also get credit to help them get raw material. That is the idea I got from reading this. But you say that is mistaken, and that they can not buy any raw material except through the reparation commission.

Mr. BARUCH. Except with the assent of the reparation commission. But the reparation commission will not stop the buying of raw materials. The Germans and the Allies will discuss this matter and it will probably work out in this way. They will say, "You can proceed to use all you want for raw materials," when they see that the property so purchased will come back into Germany and be just as taxable and be more valuable than the credit they send out. It will work out just the way you say it will practically. But the reparation commission is set up over the whole machinery to see that cash payments are made.

Senator JOHNSON of California. Unless you have already done so, will you explain article 236, which says:

Germany further agrees to the direct application of here conomic resources to reparation as specified in Annexes III, IV, V, and VI, relating, respectively, to

merchant shipping, to physical restoration, to coal and derivatives of coal, and to dyestuffs and other chemical products.

Just what is meant by that section, and just what is its effect?

Mr. BARUCH. Germany agrees to the direct application of her economic resources, that is production and manufacturing, to reparation as specified in Article III. Now if you will turn to Article III and the following Articles IV, V, and VI, you will find that those refer to certain manufactured goods and raw materials, to replacements of machinery in factories, and to certain coal which it was insisted Germany should give to those countries whose coal mines had been ruthlessly and deliberately destroyed, and to certain contractual relations which existed before the war and which were insisted upon for a certain term of years, so that Germany could not stop the coal that she had previously sold; and to the sale of certain dyestuffs and chemical products that the Allies wanted to have an opportunity to use in the manufacture of their textiles. And there were some particular medicines that the Allies were very insistent upon, as being very necessary for the human race to get.

Senator KNOX. Were those hydrocarbon products?

Mr. BARUCH. I do not know whether they call them by that name, but there was one particular medicine.

Senator JOHNSON of California. Derivatives of coal, dyestuffs, and other chemical products. Does that mean that Germany's economic resources and industrial resources shall be applied as the reparation commission may in the future direct?

Mr. BARUCH. No; it applies to the production of those things. They can go ahead and produce them, but the Allies are entitled to certain options and purchases. You will find that, outside of coal, the other provisions are of short duration, and the provision as to coal lasts only ten years.

Senator JOHNSON of California. The direction or application of them is within the discretion of the reparation commission?

Mr. BARUCH. Yes; they have certain options, and the reason the powers were given to the reparation commission was because it was the purpose not to interfere with industrial and economic conditions——

Senator JOHNSON of California. One reading of the treaty, or such reading as we are able to give it in the limited time at our disposal, will enable none except the most brilliant intellect—which I do not possess—to grasp all of the features of the treaty; but as I read it, I see substantially a supergovernment imposed upon the economic resources and industries of Germany in order to determine that she shall comply with what the Allies have required.

Mr. BARUCH. That is quite correct; not only to see that she can comply, but that she does comply. To see that she can comply is a very important part of it.

Senator JOHNSON of California. The question whether she can comply is within the jurisdiction of this supergovernment. They determine that as well as determining the fact that she must comply.

Mr. BARUCH. After giving Germany a hearing and taking all the evidence. There could not be anybody else who could decide it.

Senator NEW. They determine that she can and then determine that she must. That is the point you make?

Mr. BARUCH. Yes.

Senator JOHNSON of California. You will observe that article 237 contemplates that—

> The successive installments, including the above sum, paid over by Germany in satisfaction of the above claims, will be divided by the allied and associated Governments in proportions which have been determined upon by them in advance on a basis of general equity and of the rights of each.

As I infer from what you said in your previous testimony, those proportions have not yet been determined upon.

Mr. BARUCH. That is my understanding. That is correct.

Senator JOHNSON of California. And that determination will be made ultimately by the allied and associated Governments; and then the division will be made in the proportions that they determine?

Mr. BARUCH. Yes, sir.

Senator JOHNSON of California. There is one of the things that some of us were talking of yesterday that I want to explain to you, so that you may make it clear to us.

The allied and associated Governments determine, now, that a certain sum shall be paid to Germany. I am speaking roughly, now, without reference to technical provisions of the treaty.

Mr. BARUCH. Yes.

Senator JOHNSON of California. We say, in our altruistic position, that the division of this sum which is to come to the United States we do not desire; but all of the Governments have determined that a certain sum shall come, which sum includes that to which we might be entitled, but which ultimately, for ourselves, we remit. May not the reparation commission levy that sum, notwithstanding our remission, upon Germany and that part of the sum which would have come to us be divided, then, among others?

Mr. BARUCH. I should think that would be a part of the determination at the time they fixed the sum. That could be determined at the time they fixed the sum.

Senator JOHNSON of California. And then eliminate entirely the right of the United States to any part of the sum?

Mr. BARUCH. That might be a part of the negotiation. It would be impossible for me to say what would be done, but that might be a part of the negotiation. They might say, "Well, we will remit this," or, "We will make the sum less by that which is being eliminated." You see, it might be a part of the negotiation, Senator.

Senator JOHNSON of California. But, the sum having been determined as one which Germany is able to pay, is it not likely, then, that the full sum will be levied?

Mr. BARUCH. Yes, that is so; but as a part of the reasons for making a certain fixed sum that is reasonable, we might say that we will not take a share of what is a reasonable sum. I do not say we would.

Senator MOSES. Would article 234 have any bearing on that?

Mr. BARUCH. That might be so. You mean the last sentence?

Senator MOSES. Yes.

Mr. BARUCH. This commission has the right to fix a certain sum. The commission has plenary powers, if that is the right adjective. They can fix X billions dollars. They have that right.

Senator KNOX. Will you pardon me a moment, for a question?

Senator MOSES. Yes.

Senator KNOX. Suppose you determined, after consideration, that the maximum sum that Germany should pay would be $25,000,000,000 and suppose you determined that the share of the United States was

$5,000,000,000, and suppose you were informed the United States did not propose to demand her $5,000,000,000 of the fixed sum that Germany was to pay, would you fix the sum that Germany was to pay to the other powers at $20,000,000,000, or would you still fix it at $25,000,000,000 because she was able to pay $25,000,000,000?

Mr. BARUCH. Just offhand, I would suppose that that would be a matter for the determination of our Government.

Senator KNOX. But how? It is a matter for the determination of the commission.

Mr. BARUCH. But I presume he would be instructed by our Government, and would follow out the wishes of our Government with respect to that.

Senator KNOX. But our Government could not control the decision of the commission. If it was known that our Government was not going to make any exaction on them, Senator Johnson's point was, would Germany get any credit for that. In other words, would she be assessed $5,000,000,000 less than the extreme amount she could pay, or would she still be assessed all she could pay, for the benefit of those Governments who were willing to take it?

Senator POMERENE. Would she get the benefit of any concession we make?

Senator KNOX. That is it.

Mr. BARUCH. I understand the question. I was wondering how that would work out under this reparation commission. I should think that the American member, before he made that decision, would find out the wishes of his Government.

Senator KNOX. Does not the decision have to be unanimous?

Mr. BARUCH. Yes; but if any reasonable man was on that commission he would find out what the wishes of his Government would be, before deciding.

Senator MCCUMBER. Is there any way of finding out the wishes of the Government in regard to the cancellation, except by an act of Congress? Does not the Government act through Congress?

Mr. BARUCH. Yes; it can not be canceled except by the authority of the Government.

Senator MCCUMBER. Then, if it can be canceled only by the authority of the Government, the Government must act through its Congress, canceling the debt.

Mr. BARUCH. Yes; I suppose that would be so.

Senator MCCUMBER. Then, if the Government cancels the debt by an act of Congress, under section 234 is there not complete authority in the commission to remit that portion coming to the United States, and to collect only, in the instance of the case cited by the Senator from Pennsylvania, four-fifths of it?

Mr. BARUCH. They would collect only the balance then.

Senator SWANSON. Senator Knox, do you not think that section 237, if you read it carefully, makes it plain? It seems to me that the division of the reparation is fixed by the commission. It says: "will be divided by the allied and associated Governments in proportions which have been determined upon by them in advance."

The CHAIRMAN. Not "shall be," but "have been."

Senator SWANSON. It says "have been"; but the French says the other.

The CHAIRMAN. Yes.

Senator KNOX. In the sense of "have been," yes.

Senator SWANSON. Whether it says "shall be" or "have been" by the respective Governments, is there not an agreement how it shall be divided? After the amount is fixed we enter into a treaty as to the division of it by the respective Governments.

Senator KNOX. If the American commissioner is a high-class and just man, as I assume he will be, he ought to see that when the maximum amount that Germany can pay is fixed, it is fixed upon the theory that our Government is going to collect its share, so that we may do the generous thing by Germany if we decide to do it.

Senator SWANSON. It seems to me that section 237 says that after they have fixed the installments, the allied and associated Governments are to reach an agreement as to the division of it.

Senator KNOX. What I am afraid of is that, the general impression having gotten out that we do not intend to demand our share, that we intend to remit it, the amount that Germany is to pay will be fixed with that in view, and that the other powers will get the benefit of our remission, instead of Germany getting it.

Senator SWANSON. But it seems to me that under section 237 our Government is to agree as to our part of it, and that it will have to come back——

The CHAIRMAN. Is Mr. Dulles to have the opportunity to cancel the money debt due to the United States?

Mr. BARUCH. I do not think so, Senator. I did not know that that was determined upon.

Senator MOSES. You will find a further provision saying that that can not be done except by the express authority of the Government.

The CHAIRMAN. Then we come back to Senator McCumber's question; that it requires an act of Congress.

Senator SWANSON. Yes.

Senator KNOX. The Boxer fund was disposed of by an act of Congress.

The CHAIRMAN. Certainly; I introduced the act myself.

Mr. BARUCH. It can not be canceled except by authority of an act of Congress.

Senator KNOX. The question asked by the chairman about Mr. Dulles reminds me that you said yesterday that this reparation commission was the first commission appointed, and that it was still in operation when you left Paris. Who are the members of that commission?

Mr. BARUCH. Mr. Davis, Mr. McCormick, and Mr. Baruch.

Senator KNOX. The reparation commission?

Mr. BARUCH. What I understand you mean by the reparation commission is the representatives of America on the reparation commission, the commission that discussed all these questions; or do you mean the reparation commission as set up in the treaty?

Senator KNOX. Yes.

Mr. BARUCH. There is none now, but there is a reparation commission I speak of that was created under the treaty but not yet set up and they are trying to establish an ad interim or provisional body to discuss with the Germans certain matters which have to be discussed with them in order to permit the Germans to reestablish themselves in trade.

Senator KNOX. On page 42 of the print of your testimony of yesterday, here, you said it was almost the first of the commissions appointed and was still sitting when you left Paris.

Mr. BARUCH. I was talking of the reparation commission of the American peace commission. I read that over, myself, and I knew what I meant, but I did not know but that I had left it a little hazy in your mind.

Senator KNOX. I am glad to have you correct it, so that there will be no misunderstanding about it.

Mr. BARUCH. Yes. What we called the reparation commission in Paris was this commission that was dealing with reparation questions; just like we called the commission that was dealing with economic questions, in that way, the economic commission.

Senator KNOX. You mean the commission on helping to formulate the reparation clauses?

Mr. BARUCH. Yes; and part of the reparation clauses is the creation of an international reparation commission.

Senator MOSES. You served on both the economic commission and the reparation commission?

Mr. BARUCH. Yes. We divided up our work. For instance, Mr. McCormick had charge of what we call the categories, determining the categories under which reparation could be claimed—under which damages could be claimed. Mr. Davis had to do with the financial clauses and I had to do with the securities. We had to subdivide our work, but we met as a general commission.

Senator KNOX. Mr. Lamont was in that?

Mr. BARUCH. Mr. Lamont came as one of the assistants of the Treasury, and he stayed with the division on reparation, and he had a great deal to do with the formulation of it. So that, as I said, they are more familiar with these financial clauses than I am, and I think if you want any further light than I am able to give you, you might call Mr. Davis or Mr. Lamont.

Senator KNOX. There is one matter I am quite anxious to get some information about, but perhaps it does not come within the sphere of your activities over there.

I notice in the treaty that Memel, Schleswig, and Danzig are ceded to the allied and associated powers. That includes us. There is an absolute cession of the sovereignty of that portion of the German territory. Then there is a distinct provision in article 254 that the cessionary powers agree to pay a portion of the German debts. Does that fix an absolute liability upon us to pay a portion of the German Government's debts?

Mr. BARUCH. May I see that? What article is that, Senator?

Senator MOSES. It is article 254.

Senator KNOX. It is on page 308.

Mr. BARUCH. Those are financial questions, are they not? That means the powers to which the German territory is ceded. If it was ceded to Poland, for instance——

Senator KNOX. But in this case that I mention, Memel, Danzig, and Schleswig are ceded to the allied and associated powers. That includes ourselves.

The CHAIRMAN. The principal allied and associated powers.

Senator KNOX. Yes; the principal allied and associated powers.

Mr. BARUCH. As I understand that language, "the powers to which German territory is ceded," that means that if Danzig was set up as a separate city, or the territory was ceded to Poland, that that city or independent city or independent country would be the one that was responsible for it.

Senator KNOX. Yes; but article 254 makes the cessionary powers responsible for it. That includes the United States.

Mr. BARUCH. That was not contemplated in that.

Senator KNOX. I have gone through this treaty with great care to discover whether there is anything in the treaty which allows us to pass that liability over to whomsoever we may ultimately cede the territory. I should assume that that would be the plan that would be adopted, but I do not see anything in the treaty that would justify it. Here is the absolute provision that "the powers to which German territory is ceded shall, subject to the qualifications made in article 255, undertake to pay," and that is a qualification only in respect to what Alsace-Lorraine and Poland shall undertake to pay.

The CHAIRMAN. Does not that apply to the overseas territories?

Senator KNOX. No; I do not think the overseas territories are charged with any portion of the German debt.

The CHAIRMAN. No; I think not. It gives Alsace-Lorraine an absolute exception.

Senator KNOX. Yes; Alsace-Lorraine is excepted. Owing to the peculiar conditions under which that territory was acquired, Alsace-Lorraine is relieved of any portion of the German debt. But Memel, Schleswig, and Danzig are expressly made subject—the cession is expressly made subject—to the payment of their share of the German debt.

The CHAIRMAN. Yes.

Senator KNOX. And that payment is to be made by the cessionaries, and we are one of the cessionaries.

Now, I want to know whether there is anything in this treaty or any power in any commission in this treaty to justify us in passing, or allow us to pass, that proportion of the debt on to the country or the city that ultimately gets the sovereignty of this territory. I can not find anything of that kind here.

Mr. BARUCH. I am quite sure there is nothing in this treaty that contemplates the United States assuming any obligation of that sort.

Senator KNOX. Of course, if you are going to dispose of the plain provisions of the treaty, and brush them aside——

Mr. BARUCH. I would suggest that you ask one of the men about that who is more familiar than I am with it.

Senator KNOX. Yes; that is the reason I asked you.

Mr. BARUCH. Or that you ask the State Department. But I am quite certain that nothing of that kind is or was contemplated.

Senator KNOX. It is not only contemplated, but it is provided for.

Mr. BARUCH. Well, it was not provided. They were pretty clever men who drew this up. I was not amongst them, so that I can say that.

Senator KNOX. There is great difference of opinion about some portions of it.

Senator MCCUMBER. The construction, it seems to me, Senator, might be based upon this fact. You are speaking of the word "ceded." The construction might be based upon whether or not it is ceded in fact and becomes a part of the territory. None of these territories are now owned by the United States or will be owned by the United States, under the treaty as I would construe it.

Senator KNOX. If you go back to page 147, article 99, and just take the case of Memel as an illustration. The title to Memel is renounced in favor of the principal allied and associated powers.

Mr. BARUCH. What page is that on?

Senator MOSES. It is on page 147.

The CHAIRMAN. All the rights and powers are renounced in favor of the principal allied and associated powers.

Senator KNOX. The same language is used in regard to Danzig and Schleswig.

Senator MCCUMBER. And yet, taking the treaty as a whole, we could hardly claim that we have title to those countries.

The CHAIRMAN. If we have not title, nobody has.

Senator MCCUMBER. No.

Senator KNOX. I could not imagine a more complete cession of sovereignty than that.

Mr. BARUCH (reading):

Germany undertakes to accept the settlement made by the principal allied and associated powers in regard to these territories.

Senator KNOX. What relevancy would that have?

Mr. BARUCH. If, by chance, there was any obligation, Germany accepts the settlement. If it should go to Memel, that is a free city, and it would be ceded to Memel.

Senator KNOX. But Germany is out of it. The instant she signs this treaty and ratifies it she is out of it, because it contains the cession to the allied and associated powers, and Germany has nothing more to do with Danzig and Schleswig.

Mr. BARUCH. I do not know, but it would seem to me that Germany would have to accept the settlement the allied and associated powers decided upon in regard to Memel.

Senator KNOX. The allied and associated powers decided upon complete cession. That is the settlement in regard to those three territories. In the cases of those three territories the decision was an absolute cession to the allied and associated powers, without qualifications.

Mr. BARUCH. And Germany agrees to accept the settlement.

Senator KNOX. No; but we agree to pay a part of Germany's debts.

Mr. BARUCH. We agree to that for the power to which it is finally ceded. I do not think there could possibly be any construction—of course I would not want to contend with a man like yourself, who is more familiar with it, but to me, as a layman, it does not appear that there could possibly be any justice in your contention. I do not know that I am expert enough to argue on that subject.

Senator KNOX. Take the case you put. Germany agrees to accept any settlement made by the principal allied and associated powers in regard to Memel, Danzig, and Schleswig. What is the settlement provided by the treaty? It is the complete cession to the allied and associated powers, subject and according to article 254, which provides for the payment of a portion of the German debts.

Mr. BARUCH. Yes; but the allied and associated powers settle it upon Memel, and therefore the obligation goes to Memel, which gets the ceded territory, to pay.

Senator KNOX. That is what it ought to say, but that is what it does not say.

Mr. BARUCH. That is what it would appear to me to say; but I would prefer that you ask men more familiar with it than I am.

Senator KNOX. Who would be likely to throw the greatest light on that subject?

Mr. BARUCH. It would be Mr. Davis or Mr. Lamont; or I will furnish to you the name of the man who wrote these particular clauses.

Senator BRANDEGEE. I would like to ask Mr. Baruch a question. Before doing so I would like to ask Senator McCumber whether this little tabulation which he has here has been inserted in the record?

Senator MCCUMBER. No.

Senator BRANDEGEE. It is very short, and I will ask the stenographer to put this in the record. This paper brought before the committee by Senator McCumber appears to have been prepared by the legislative reference service of the Library of Congress, and is entitled "Relative rates of taxation for certain countries."

(Senator Brandegee here read the table referred to, which is printed in the record, as follows:)

Relative rates of taxation for certain countries.

Country.	Estimated prewar national wealth.[1]	Taxation for 1918.	Per cent of prewar national wealth.	Per capita tax.
United Kingdom	$85 000,000,000	[2] $3 816,000,000	4.5	$86.13
Germany	78,000,000,000	[3] 1,750,000,000	2.2	22.88
United States	220,000,000,000	[4] 4,370,000,000	1.9	39.13

[1] Ayers, Leonard P. The War with Germany, 1919, p. 148.
[2] To Mar. 31, 1919. (Fiscal year ending Mar. 31, 1919. This gives rate November, 1918.) Commerce Reports, Apr. 30, 1919, p. 610.
[3] Current Opinion, January, 1919, p. 63, quoting London Economist. (Estimate.)
[4] Business Digest and Investment Weekly, Feb. 18, 1919, p. 259.
For United States estimated collections of 1918. revenue laws are given.

Senator BRANDEGEE. Now, Mr. Baruch, I understood you to say that Germany had paid only 9 per cent of her war debt—only raised 9 per cent of her war debt—by taxation.

Mr. BARUCH. Those are the figures that have been prevalent.

Senator MCCUMBER. Does that mean war debt or war expenses?

Mr. BARUCH. Those are expenses of the war.

Senator BRANDEGEE. That is what I mean.

Mr. BARUCH. Yes.

Senator BRANDEGEE. That means, then, that 91 per cent of the war expense of Germany has been financed by the issuance of Government securities?

Mr. BARUCH. These figures are the ones that I believe are correct, but we have had no way of checking it up from Germany.

Senator BRANDEGEE. I am not, of course, asking you to be exactly accurate, but substantially.

Mr. BARUCH. Yes.

Senator BRANDEGEE. Now, if the estimated national wealth of Germany was $78,000,000,000, and that of Great Britain was $85,000,000,000, and the tax imposed upon Germany was 2.2 per cent and upon Great Britain 4.5 per cent, I wanted to ask you, first, did Germany pay the interest on this 91 per cent of securities issued for the expenses of the war.

Mr. BARUCH. There was no default on her bonds, so that she must have paid it.

Senator BRANDEGEE. So that 2.2 per cent in tax on the national wealth of Germany in 1918 paid the interest on the entire expenses of the war to Germany?

Mr. BARUCH. That would not necessarily follow, Senator, because she might not have raised enough money in that way for that purpose. She might have raised it out of the sale of bonds.

The CHAIRMAN. She might have borrowed the money to pay it.

Senator BRANDEGEE. What I am trying to find out is whether Germany, out of the avails of the imposition of a 2.2 per cent tax rate, was able to pay the interest on her debt incurred in behalf of the expenses of the war or not.

Mr. BARUCH. We can figure that out from what figures you have here.

Senator BRANDEGEE. No; I mean as a fact.

Mr. BARUCH. What?

Senator BRANDEGEE. I mean as a matter of fact, do you know whether in that way they paid the interest on all the obligations they incurred for the expenses of the war?

Mr. BARUCH. I imagine they must have, because there was no default in payment of interest on their bonds. They must have paid it.

Senator BRANDEGEE. All right. Then, by the imposition of one-half of the taxation rate upon the Germans which is paid now by the citizens and the United Kingdom, they are able to pay all the interest on their obligations incurred on account of the war. Now, if that is so and their per capita tax is only one-fourth of that of Great Britain, and their estimated national wealth is $78,000,000,000 while that of Great Britain is only $85,000,000,000, why is it that they can not pay more in the way of reparation?

Mr. BARUCH. More than what?

Senator BRANDEGEE. More than the treaty provides.

Mr. BARUCH. The treaty does not provide any definite amount, Senator.

Senator BRANDEGEE. I thought it did.

Mr. BARUCH. No, sir. The treaty does not provide for any amount, because the reparation commission wants to have an opportunity to study this before deciding upon it. Probably the questions that arose in your minds are the ones that arose in the minds of the ones who made this.

Senator BRANDEGEE. Why is it, if the facts and figures that I have just read are correct, that the Germans are in such a bad way as compared with the inhabitants of the United Kingdom?

Mr. BARUCH. I think I can explain that to you, Senator.

Senator BRANDEGEE. I wish you would.

Mr. BARUCH. Practically every bit of private property owned by the German nationals that is in allied or associated countries has been seized and is going to be used for a specific purpose. Germany is going to lose that. She loses a million and a half of spindles in Alsace-Lorraine, 70 per cent of her iron, 30 per cent of her coal, all of her great contracts for bauxite in France, and for phosphate in Algeria and the Pacific Islands; and all the raw materials and similar contracts have been lost. I do not think the world realizes what a severe and harsh though eminently just treaty has been put upon Germany. They do

not realize the conditions that Germany has been put in. So it was impossible to determine, on prewar conditions, what Germany could pay, because we did not know what the conditions, will be after the war and the peace treaty. Does that answer your question?

Senator BRANDEGEE. Yes. I did not know to what extent Germany was crippled. I heard what you said, and it bears on the question.

Mr. BARUCH. She loses valuable zinc concentrates in Australia, which gave her practically domination of the zinc trade of the world. I could put in a long list which would show you generally how much crippled Germany has been made by this treaty in the very clauses that are spread out before you, and it was that that I had in mind. Perhaps it may have been unduly impressed upon me. I had that in mind when I made the statement that she would be unable to pay the sums of money that would probably be assessed against her under these categories.

Senator MCCUMBER. As bearing upon that same subject, I think another little table which I have prepared ought to go into the record at this time, showing each of these three countries and the per capita debt on June 30, 1918, which I obtained from the Statistical Abstract for 1918.

The United States, exclusive of the Philippines, has a public debt of $17,005,431,000. The debt per capita was $159.45.

The United Kingdom, exclusive of colonies, had a public debt of $36,391,132,000, with a per capita debt of $789.58.

Germany, exclusive of colonies, had a debt of $34,807,337,000, with a per capita debt of $514.81.

Thus it will be seen that our per capita debt was practically one-fifth of that of Great Britain, and that Great Britain's was 50 per cent greater than that of Germany, and that while Germany paid most of the expenses of the war through borrowings rather than heavy taxes upon her people, yet at the same time she has but $34,807,337,000 of indebtedness against her.

Senator POMERENE. Do those figures include not only the national debt, but State and municipal debts as well?

Senator MCCUMBER. No; I do not so understand.

The CHAIRMAN. These are national debts.

Senator POMERENE. What was the date of the figures that you just gave?

Senator MCCUMBER. June 30, 1918. That was just a little before the close of the war.

Senator POMERENE. I had in mind 1914.

Senator MCCUMBER. I thought it was proper to put that in as bearing upon the burden of Germany.

Mr. BARUCH. I do not know whether I made it clear, and I would like to have the opportunity of making a statement in reference to the terms of this treaty.

Senator JOHNSON of California. I am very anxious to hear you. You were indulging in general terms, and I thought you might elaborate. I thought it would be interesting.

Mr. BARUCH. The terms are harsh and severe, but I think are very just, and I would go on record as saying that this commission is workable. It is a workable arrangement.

Senator JOHNSON of California. Do you express that with some doubt?

Mr. BARUCH. No, sir.

Senator JOHNSON of California. There is much of it left to the future, however, is there not?

Mr. BARUCH. I have no fear of the future.

Senator JOHNSON of California. Not of the future of our Nation.

Mr. BARUCH. No; because I could name hundreds of men in America—thousands of them—that would carry out that.

The CHAIRMAN. Carry out what?

Mr. BARUCH. That would make this a workable treaty, that could sit on this commission and make it work. I am talking about the reparation commission.

The CHAIRMAN. You would have no difficulty in filling the places. You need not assure us of that.

Mr. BARUCH. I thought the Senator was disposed to doubt as to the reparation commission working.

Senator JOHNSON of California. Not a bit. I have some serious doubts about our work in connection with it, but I was not expressing any doubt at all; but I was in hopes you would elaborate the theme which you were discussing with Senator Brandegee. You said the treaty is very severe and harsh, but just. Now, I would like you in general terms to go on and elaborate what you were speaking about. Let us take the coal situation, for instance. How much coal did you take from Germany?

Mr. BARUCH. We took enough to make up all the losses that she caused the Belgian and French mines.

Senator JOHNSON of California. But how much in proportion?

Mr. BARUCH. Let us say there are 26,000,000 tons. It is about 30 per cent, but that would include the Silesian fields, of which she will get her proportionate share that she has been accustomed to have.

Senator JOHNSON of California. And your answer is, I take it, that you take enough to make up for her wanton destruction?

Mr. BARUCH. Provided it does not interfere with her economic life.

Senator JOHNSON of California. That is all you take—enough to make up for her wanton destruction.

Mr. BARUCH. And to make it sure that Germany will continue to sell the coal that had formerly been under contract, for instance, to France for a number of years.

Senator JOHNSON of California. Has that anything to do with the question of destruction?

Mr. BARUCH. I think so, sir.

Senator JOHNSON of California. Is it likewise in respect to the coal that is directed to be delivered to Italy?

Mr. BARUCH. Yes; a protection to Italy for coal that she has to have.

Senator JOHNSON of California. The point of it is that you said very well and eloquently that you took from Germany enough coal to make up for her wanton destruction. Does Italian coal come within that?

Mr. BARUCH. I think I added—if I did not, I should like to—and to prevent the disturbance of the whole coal situation in Europe which resulted from that, and so as to give to France and to Belgium and these other countries the same amount of coal that they had

gotten in peace conditions, so as not to put Germany in the position of taking this coal away and delivering it to anyone that she cared to. She might ruin Belgian, Italian, and French industries in that way.

Senator JOHNSON of California. Unless you compelled her to give them a certain amount of coal.

Mr. BARUCH. Under this she is not to be compelled to deliver coal if it is to interfere with her economic and industrial life.

Senator JOHNSON of California. That which is taken from her, does that interfere with her industrial life?

Mr. BARUCH. If it does, they will not take any.

Senator JOHNSON of California. Does it? Pardon me. Are there any specific amounts to be delivered, any minimums?

Mr. BARUCH. Let me turn to the clause and read it to you. It is on page 291.

Senator JOHNSON of California. You are familiar with the coal situation, are you?

Mr. BARUCH. I am familiar with this part of the treaty.

Senator JOHNSON of California. It is page 295, Annex V.

Mr. BARUCH. The last clause in Annex V is the one that we want to look at, the very last clause.

Senator MCCUMBER. It is on page 295.

Mr. BARUCH. The last clause of the annex, paragraph 10, reads:

> If the commission shall determine that the full exercise of the foregoing options would interfere unduly with the industrial requirements of Germany, the commission is authorized to postpone or to cancel deliveries, and in so doing to settle all questions of priority; but the coal to replace coal from destroyed mines shall receive priority over other deliveries.

I wrote that clause myself, Senator.

Senator JOHNSON of California. That is, the last sentence you just read?

Mr. BARUCH. Yes, sir.

Senator JOHNSON of California. So that it is left with the commission to determine whether the options interfere and whether they shall be fulfilled.

Mr. BARUCH. Yes, sir. The intent of this was that Germany should pay what she ought to pay and could pay, and to give her an opportunity to pay it, without any undue interference in the working out of payments.

Senator JOHNSON of California. Wherein is the severity and harshness of that?

Mr. BARUCH. Well, that is not so, taken by itself. I refer not to one particular thing, but to the general thing. If you take into consideration that she is obliged to pay all that she can pay, and in addition that she has lost her colonies and her territories contiguous to her, that the property of her citizens has been taken from her, that these contracts that she had have been broken, that these vast interlaced commercial relations all over the world of a financial and commercial nature which she had established for many years have been destroyed and taken away and abrogated, and all raw materials and supplies have been cut off, and that the great commercial houses that gathered together the raw materials and sent them into Germany and brought them back in manufactured articles are taken away from her, I think my adjectives are quite correct. Also her merchant marine has been taken.

Senator JOHNSON of California. I am not questioning your adjectives at all; I am simply endeavoring to have you elaborate the subject. That is the reason I asked you about the coal, because I thought that that was one part of the general statement that you made as to the severity and harshness of the terms. I thought you minimized the coal question, so I was asking you the question, wherein was the severity and the harshness.

Mr. BARUCH. I am very glad to elaborate as fully as I can. I do not question the justice of it.

Senator MCCUMBER. Are there any further questions?

Senator MOSES. Will you turn to page 273 of the committee print, paragraph 15, the last two lines in paragraph 15. That is a little vague in my mind.

Senator POMERENE. What line?

Senator MOSES. The last two lines in paragraph 15 on page 273 [reading]:

When bonds are issued for sale or negotiation, and when goods are delivered by th commission, certificates to an equivalent value must be withdrawn.

The last two lines apparently contemplate an ultimate sale of the bonds to individuals.

Mr. BARUCH. You mean those two sentences [reading]:

The said certificate shall be registered, and upon notice to the commission, may be transferred by indorsement.

Senator MOSES. And then [reading]:

When bonds are issued for sale or negotiation——

Mr. BARUCH. Of course—explaining the last sentence first—the certificates which have been issued against bonds which have been sold will naturally be destroyed.

Senator MOSES. You mean warehouse certificates?

Mr. BARUCH. That would apply to both, Senator. If they were withdrawn, the certificates issued against them would be destroyed.

Senator MOSES. Would you control the sale of goods against which warehouse certificates are issued?

Mr. BARUCH. I presume so, Senator. I would like to read that again before replying.

Senator MOSES. I said yesterday that possibly Mr. Davis knows about this better than you. If so, I will not pursue this inquiry. I thought that, in anticipation of his coming, your view would be of value.

Mr. BARUCH. I could answer the first part of your question, but if you are going to have him down here to deal with the financial clauses, it might be just as well to wait for him.

Senator MOSES. What I was trying to get at is who would control the sale of these goods which are delivered and against which certificates are issued, and who will determine the time when bonds shall be issued for sale or negotiation, certificates having been previously issued against both.

Mr. BARUCH. The reparation commission determines all of these things, and they can make their rules and regulations. It is a very broad power. I do not know that that particular phase has been determined. They have the right to determine.

Senator MOSES. That is to say, up to 1951, the commission can prevent the passing of bonds into the hands of the purchaser if it so chooses.

Mr. BARUCH. Up to 1951, I presume so, but I would like to read over this clause before I answer that question definitely. I think that would lie with the reparation commission. Now, do you desire Mr. Davis to come down here?

Senator MCCUMBER. I think some of the Senators desire him.

Senator MOSES. I think somebody who is familiar with the financial clauses should come.

Senator MCCUMBER. And do you desire to have Mr. Lamont?

Senator MOSES. Except for the personal pleasure of meeting my old classmate, I do not particularly care for Mr. Lamont or for Mr. Davis, but I would like to have some one here who is familiar with the financial clauses, especially with reference to the powers of the reparation commission.

Mr. BARUCH. You do not think that is sufficiently stated.

Senator MOSES. I think that there is some disparity of interpretation, certainly in the minds of some members of the committee, as to just what the powers of the commission may be. There is no question in the minds of any of the committee, I think, as to the wide extent of the powers of the reparation commission.

Mr. BARUCH. I trust not.

Senator KNOX. I move that we adjourn until Monday at 10.30.

Senator MCCUMBER. Are there any further questions that you desire to ask, Mr. Baruch?

Mr. BARUCH. May I ask whether you will want me any further?

Senator MCCUMBER. I will ask the other members to say whether there is any desire to hold Mr. Baruch.

Senator MOSES. I think it will be desirable not to dismiss any witness, but I would not want to keep Mr. Baruch in the city. He may be recalled.

Mr. BARUCH. It will give me great pleasure to come back.

Senator MCCUMBER. Certainly, you can go to New York. We have not yet adjourned. I would like to see first as to the time. I desire to say that the chairman, just before leaving, said that he would like to rush this matter along as rapidly as possible, indicating that he would like to have a session this afternoon if it could be had.

Senator SWANSON. What witnesses have you for this afternoon?

Senator MOSES. We have finished with Prof. Taussig.

Senator SWANSON. I do not think we could do any work.

(Thereupon, at 12.05 o'clock p. m., the committee adjourned until Monday, August 5, 1919, at 10.30 o'clock a. m.)

MONDAY, AUGUST 4, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met at 10.30 o'clock a. m., pursuant to adjournment, in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present, Senators Lodge (chairman), McCumber, Brandegee, Knox, Johnson of California, New, Moses, Williams, Swanson, and Pomerene.

The CHAIRMAN. The committee will come to order. Mr. Davis, will you be kind enough to give your full name to the stenographer.

STATEMENT OF MR. NORMAN H. DAVIS.

Mr. DAVIS. My full name is Norman H. Davis.

The CHAIRMAN. And what is your business in this country?

Mr. DAVIS. I was finance commissioner to Europe.

The CHAIRMAN. Yes; finance commissioner to Europe.

Mr. DAVIS. And was financial adviser to the Peace Commission.

The CHAIRMAN. And what is your business here?

Mr. DAVIS. I have no business here now. I have given up everything, for the last two years, since we were in the war. I am a banker by profession, but I retired from all my banking connections.

The CHAIRMAN. What banks were you connected with?

Mr. DAVIS. I was president of the Trust Co. of Cuba, in Havana, Cuba, and I have been a stockholder in several other banks in this country—interested in that way.

The CHAIRMAN. The members of the committee desire to ask you some questions in regard to the work in Paris. I was not here when you were called. I had to be on the floor of the Senate. Some of the Senators who were here desire to ask you questions. Senator Moses, will you proceed?

Senator MOSES. The financial commission to Paris comprised how many members?

Mr. DAVIS. There were two members from each Government—from each of the big powers.

Senator MOSES. Who was your colleague?

Mr. DAVIS. Thomas Lamont.

Senator MOSES. He especially represented the Treasury Department?

Mr. DAVIS. Yes.

Senator MOSES. You also represented the Treasury Department?

Mr. DAVIS. Yes; as Finance Commission to Europe, I represented the Treasury Department, and Lamont represented them also in connection with the peace, but I had the other Treasury work besides.

Senator MOSES. Were there two financial delegates there from each of the allied and associated powers?

Mr. DAVIS. Yes.

Senator MOSES. And you all got together?

Mr. DAVIS. Yes.

Senator MOSES. To the number of fifty-odd?

Mr. DAVIS. Oh, no; just——

Senator MOSES. Of the principal allied and associated powers?

Mr. DAVIS. Yes.

Senator MOSES. Namely, 10?

Mr. DAVIS. Yes; but the others had representatives. But they met only occasionally, because the work was divided among subcommittees and, as a rule, the principal allied and associated powers acted practically as the executive committee, and then would call in the other delegates and go over matters after they had been settled or agreed upon among themselves.

Senator MOSES. Was any record kept of the meetings of the commission?

Mr. DAVIS. Yes.

Senator MOSES. Of each session?

Mr. DAVIS. Yes.

Senator MOSES. Were they reported stenographically?

Mr. DAVIS. Yes; well, not always stenographically, because we kept the minutes in French and English, and they would have to be revised because there were a lot of discussions sometimes that were not necessary to put in the minutes; but the substance of the agreements arrived at was put down in the minutes and agreed upon.

Senator MOSES. Those were made up in substance and were initialed at the close of each session?

Mr. DAVIS. No; they were not initialed at the close of each session. They were written up and presented to the members, and at the next meeting they were approved or disapproved—approved with whatever alterations were necessary.

Senator MOSES. Did those minutes go to our plenipotentiaries for their guidance?

Mr. DAVIS. Oh, yes.

Senator MOSES. Were copies kept by each of our financial commissioners?

Mr. DAVIS. Yes.

Senator MOSES. You have your copies?

Mr. DAVIS. I have not got them yet. They were in with all my files, which are being sent over, but they have not arrived yet. I kept the complete minutes.

Senator MOSES. Then they will be available for the use of this committee?

Mr. DAVIS. Yes.

Senator MOSES. I assume that the peace financial commissioners for the countries other than the principal allied and associated powers sat with the 10 when the matters connected with their own countries were under consideration?

Mr. DAVIS. Yes; after we had come to some tentative decision on something that did concern them we called them in.

Senator MOSES. After having decided you called them in and communicated to them your decision?

Mr. DAVIS. No; we did not do that. It would have been impossible to carry on the work if you had had all the delegates sitting there all the time.

Senator MOSES. Yes; I understand that.

Mr. DAVIS. Oh, no; that was not the spirit of it, at all.

Senator MOSES. Did these 10 frame the articles in the treaty contained in Part VIII, which you will find on page 249 of the print you have before you of the treaty?

Mr. DAVIS. No; that is reparation.

Senator MOSES. Who framed those sections?

Mr. DAVIS. The reparation sections were framed by the reparation commission.

Senator MOSES. Who were they?

Mr. DAVIS. Mr. Baruch, Mr. McCormick, and myself.

Senator MOSES. You were a member of the reparation commission, and of what other?

Mr. DAVIS. Of the financial commission.

Senator MOSES. Then you are familiar with these articles in Part VIII?

Mr. DAVIS. Yes.

Senator MOSES. Did the Belgian finance commissioners sit with you in reaching the determination contained in article 232?

Mr. DAVIS. Yes.

Senator MOSES. Just why was it left to the reparation commission to determine the amount of money that Belgium had borrowed from the allied and associated Governments which Germany should repay?

Mr. DAVIS. I do not recall specifically why the reparation commission was to do that. They had to name some one to do it, because so far as the advances made by the Government of the United States were concerned, we have obligations of the Belgian Government. There is no discretion about that. But as to the advances made by England and France to Belgium, they were on open account, and there were questions about which there may be considerable discussion, and they had to designate some one who would finally arrive at those figures in case there was any discussion over it.

Senator MOSES. What was the reason why the bonds to be issued by the German Government in payment of that item of reparation were to be handed to the reparation commission rather than to the Belgian Government? That provision is on the top of page 251:

> Such bonds shall be handed over to the reparation commission, which has authority to take and acknowledge receipt thereof on behalf of Belgium.

Mr. DAVIS. Well, that was because everything is to be handed to the reparation commission—everything that Germany pays.

Senator MOSES. I understand that.

Mr. DAVIS. And this was just following the general rule.

Senator MOSES. And just what will the reparation commission do with those bonds?

Mr. DAVIS. If England, France, and the United States agree to accept these German bonds in payment of the Belgian indebtedness to them prior to the armistice, they will be turned over to them proportionately. That is one other reason why they were to be delivered to the reparation commission.

Senator MOSES. Was not that proposal advanced, that we should take the German bonds in settlement of the obligations of our loans to the Allies? Was not that a definite proposal?

Mr. DAVIS. From the Allies?

Senator MOSES. Was it not definitely proposed that the Allies should accept, in lieu of the obligations which we now have from certain of the allied Governments in Europe—that in lieu of those obligations we should accept German bonds?

Mr. DAVIS. No; that was only specifically made in the case of Belgium.

Senator MOSES. And was that proposal declined?

Mr. DAVIS. Do you mean in the case of Belgium?

Senator MOSES. Yes.

Mr. DAVIS. No; it was not declined. We simply told them that we had no authority to act on that.

Senator MOSES. And it was left open?

Mr. DAVIS. It was left open for Congress to decide.

Senator MOSES. For legislation?

Mr. DAVIS. Yes; in fact, the President said that he would propose to Congress that we accept German obligations in respect of the loans to Belgium up until the armistice—that he could simply recommend that to Congress.

Senator KNOX. How much had we loaned to Belgium up to that time?

Mr. DAVIS. We had loaned them, as I recall, between $300,000,000 and $400,000,000. It was about $300,000,000. I can get that exactly.

Senator KNOX. I do not care for that.

Senator MOSES. The reparation commission will fix the total sum of reparation due from Germany?

Mr. DAVIS. Yes.

Senator MOSES. They will do that sometime prior to May, 1921?

Mr. DAVIS. Yes.

Senator MOSES. And notify the German Government?

Mr. DAVIS. Yes.

Senator POMERENE. May I interrupt the examination for a moment?

Senator MOSES. Certainly.

Senator POMERENE. As I understand you, the offer on our part was an agreement to make that recommendation to the Congress?

Mr. DAVIS. That is all.

Senator POMERENE. But it was left to the Congress to determine whether or not that shall be done?

Mr. DAVIS. Absolutely. We told them specifically that neither the President nor any of us had any authority whatever to agree otherwise.

Senator MOSES. Was it well understood in Paris that the United States would keep no portion of this reparation payment?

Mr. DAVIS. No.

Senator MOSES. What was the understanding?

Mr. DAVIS. I do not know what the general opinion of different people was, but the United States Government representatives did not say they would not keep any of the reparation, and we did not say they would. That was another matter that we felt we had no right to determine.

Senator MOSES. I understood your colleague, Mr. Baruch, to have said that it was understood that the United States was to have no share in it.

Mr. DAVIS. By whom did he say it was understood? Where is Mr. Baruch's testimony? I should like to see that.

Senator MOSES. I think he said that in response to one of Senator KNOX's questions.

Senator KNOX. He practically said that. I called his attention to the fact that the President had said so in his speech of July 10.

Mr. DAVIS. Did the President say that?

Senator KNOX. Yes.

Senator MOSES. You will find that at the bottom of page 6, an interrogatory by Senator Knox, beginning about the middle of the page; and further down, at about the middle of page 7, you will find a very clear intimation at least from Mr. Baruch that the United States was to have no share in the reparation.

Senator KNOX. The whole tenor of the testiomny indicated that that was his opinion.

Mr. DAVIS. All I can say is, there was no official declaration of that kind.

Senator KNOX. Mr. Baruch said that, too.

Mr. DAVIS. Of course, I will say this, that we were in a different position from any of the other Governments negotiating the peace. Our material interests—that is, our direct material interests—were so infinitesimal that we were not there trading for something. We were endeavoring all the time to look at this from the standpoint of the welfare of the whole world, and indirectly the welfare of the United States, and there were no specific material interests that we were endeavoring to obtain.

Senator JOHNSON of California. You were the only ones who had that viewpoint, however, were you not?

Mr. DAVIS. Well——

Senator MCCUMBER. Did the President indicate to your commission, or the subcommittee of which you were a member, that it was his intention to recommend that Congress remit anything to Germany?

Mr. DAVIS. No.

Senator MCCUMBER. Of the debt due us?

Mr. DAVIS. No.

Senator MCCUMBER. Was there any intimation of that in any way, so far as you know?

Mr. DAVIS. No. I have heard some discussions there. Some people expressed the opinion that it would probably be good policy for the United States not to file claims for reparation; but it was just a general discussion at various times.

Senator MCCUMBER. Do you mean reparation or indemnity?

Mr. DAVIS. Indemnity.

Senator MCCUMBER. Rather than reparation?

Mr. DAVIS. As a matter of fact we did not often use the word "indemnity." It was usually "reparation."

The CHAIRMAN. "Indemnity" was usually applied to prewar losses, was it not?

Mr. DAVIS. Yes. That did not come under this.

The CHAIRMAN. I understand that.

Mr. DAVIS. I guess that probably would be a fair distinction to make.

Senator MOSES. Then it is your understanding that we were to have some share in the reparation?

Mr. DAVIS. It was my understanding that we would have a perfect right to file claims under the various categories, just as any other country does, and that it is for our Government to decide whether or not it desires to do so, and that that has not been decided.

Senator MOSES. But it is very clear that the other four Governments will take reparation in full?

Mr. DAVIS. Oh, yes.

Senator MOSES. Mr. Baruch intimated in picturesque language the other day that "X" billions of dollars reparation would be demanded from Germany; and the question arose in the minds of some Senators, if the United States waived its right of reparation, whether the amount to be exacted from Germany would be X minus Y, Y representing the amount which the United States would be entitled to receive. Have you any information about that?

Mr. DAVIS. That would just depend entirely on how you worked it out at the time. It could be settled on that basis, or it could be settled on another basis.

Senator MOSES. The theory of the reparation is that they would fix the total amount which Germany can pay.

Mr. DAVIS. No; the reparation commission first is to determine by 1921 from its various reports and investigations how much Germany owes under the various categories of damage. That might, for instance, be $40,000,000,000, and that is what Germany is obligated to pay. Then the reparation commission, however, can afterward, by unanimous vote, reduce that amount in accordance with what they think Germany can pay. In other words, the amount of Germany's bill may be considered as in excess of Germany's capacity to pay, and as the reparation commission did not decide just what Germany's bill should be, it was necessary to set up this commission and give it more latitude, in order to regulate Germany's actual liability with her capacity.

Senator JOHNSON of California. The theory being that the reparation commission will take all the traffic will bear?

Mr. DAVIS. Yes; that is it.

Senator MOSES. On page 61 of Mr. Baruch's testimony you will see Mr. Baruch says:

> This commission has the right to fix a certain sum. The commission has plenary powers, if that is the right adjective. They can fix "X" billion dollars. They have that right.

The CHAIRMAN. On what page is that?

Senator MOSES. Page 61, part 3, about the middle of the page.

Mr. DAVIS. I do not see any difference between us. That is just a different way of expressing it.

Senator MOSES. That is not the point I was getting at. X being the total sum which Germany is to be called upon to pay, and Y representing the sum which the United States might claim, if we waive our rights to the payment of Y, will the total indemnity to be paid by Germany be X minus Y, or will X, undiminished by Y, be divided among the others?

Mr. DAVIS. I should say that will be regulated by the conditions under which the United States agrees to remit its claims; that is, the United States could fix the conditions.

Senator MOSES. Just as we did with the Boxer indemnity?

Mr. DAVIS. Absolutely.

Senator MOSES. If you will now turn to page 273 of the printed text of the treaty——

Senator MCCUMBER. May I ask a question upon this same subject?

Senator MOSES. Certainly.

Senator MCCUMBER. Then, of course, Mr. Davis, your understanding is that if the United States remits whatever is due from Germany to the United States, Germany will not be compelled to pay that sum to the other allies?

Mr. DAVIS. The United States, in my judgment, in remitting, could dictate the conditions on which it will remit.

Senator MCCUMBER. Certainly.

Senator MOSES. Would the other four powers be necessarily obliged to accept our conditions?

Mr. DAVIS. I should think so; because otherwise, if we want to remit it to Germany, we can collect it and then give it back to Germany.

Senator MOSES. That would be a rather cumbersome process, however.

Mr. DAVIS. Yes. That is the reason I think there would be no trouble about having an agreement about it.

Senator MOSES. On page 273 of the printed text of the treaty, article 15, will you please explain how that will work out?

Mr. DAVIS. That is the certificate of ownership. There was quite a lot of discussion in the committee. The American delegation felt that while our material interest in what is collected from Germany is insignificant, our interest in the financial situation of the world is very great, and we felt that it would be very inadvisable to have the obligations of a big country floated throughout the world unless they were good and could be met, and that it would cause a critical financial situation if they were floated before they could be met, and so we put in the reparation chapter the condition that the bonds which Germany delivers are to be delivered to the reparation commission and are only to be distributed by the reparation commission upon a unanimous vote; and I assume that——

Senator MOSES. May I interrupt you there to ask you in what portion of the treaty that occurs—where it provides that they may be distributed by unanimous consent?

Mr. DAVIS. I will find it for you.

Senator JOHNSON of California. It may be the provision at the bottom of page 271.

Mr. DAVIS. It is on page 271. It says:

On the following questions unanimity is necessary.

Senator MOSES. Under section (b)?

Mr. DAVIS. Yes (reading):

Questions of determining the amount and conditions of bonds or other obligations to be issued by the German Government and of fixing the time and manner for selling, negotiating, or distributing such bonds.

Those questions require a unanimous vote.

Senator MOSES. Then the commission, having determined that the bonds shall be distributed, shall issue those certificates?

Mr. DAVIS. Not at all.

Senator MOSES. What will they do?

Mr. DAVIS. They may issue these participating certificates before they decide upon the distribution. If they are going to distribute the bonds, there is no necessity for issuing these participation receipts.

Senator MOSES. Then they will issue these certificates as against the bonds which the Commission have in their possession?

Mr. DAVIS. Not as against the bonds, no, but simply as evidences of ownership in bonds which are held by the reparation commission, the final disposition of which has not been determined by the reparation commission.

Senator MOSES. Do you mean that the distribution might be different from the participation in ownership?

Mr. DAVIS. They might decide never to distribute those bonds at all, and they will not decide to distribute them until they are unanimously of the opinion that Germany can pay the interest and sinking fund on those bonds.

Senator MOSES. Then why issue the certificates of participating ownership?

Mr. DAVIS. Because these are held practically in trust, and the powers interested are entitled to have some evidence that they have an interest in them. Some of the Governments were objecting to the reparation commission withholding those bonds; and they said, "We will need credit, and if we have something to show for them we might be able to exchange among the various Governments, to offset these against some other claim; or we might be able to use those with banks for temporary advances."

Senator MOSES. That is under the provision that the certificates may be registered and transferred by indorsement?

Mr. DAVIS. Yes.

Senator MOSES. In other words, while the Reparation Commission will hold the bonds, nevertheless in fact the bonds will go on the market.

Mr. DAVIS. Not at all, because we assume that, for instance, they would be in very large blocks. Suppose Germany delivers $15,000,000,000 of bonds.

Senator MOSES. She will deliver $24,000,000,000, I believe.

Mr. DAVIS. Well, not yet. We do not know whether she will or not.

Senator MOSES. She may.

Mr. DAVIS. Yes; and she may deliver more than that. I do not believe she will, myself. But all that Germany delivers now will be, approximately, $15,000,000,000 in bonds. Now let us take the case of France. Suppose the participation of France will be approximately 50 per cent. That would be $7,500,000,000. Then France, if she wanted to, could have five certificates of $1,500,000,000 each; and if there is anybody who is sucker enough to buy that certificate outright—one of them—I do not think it is up to the Reparation Commission to look after him. We wanted to avoid their getting these out into the hands of the public, and that is what we have done in this case.

Senator MOSES. I do not see how you have accomplished that, because while there may not be a sucker who would give $1,500,000,000 for one of those certificates, there might be some speculator who would be willing to give $900,000,000 and take those bonds at 60 and then issue subdivisions of the participation.

Mr. DAVIS. Well, but do you think a responsible government would sell its bonds to a speculator on those conditions?

Senator MOSES. I have been repeatedly told that the reason why we should go into this reparation commission and why we should do all these things was because we have got to furnish money to keep these people going, and we have got to stabilize all their finances, and industry, and agriculture, and everything else; and I do not see how it is going to be done, when we get all through with it, unless we are going to furnish some money; and I do not think we are going to furnish money unless we get some kind of collateral, and it might be done by a group of bankers, or it might be done by legislation whereby we would take those participating certificates.

Mr. DAVIS. I do not think they can use those German bonds now as collateral very effectively, because they are in such large units that it is impossible.

Senator MOSES. That would not prevent an underwriting syndicate issuing certificates in smaller sums.

Mr. DAVIS. That is true, but they would be issuing something which is undeterminate, and issuing against something that may never be delivered.

Senator MOSES. In the first place, here is an obligation of the German Government, namely, these certificates. In the first place, the German Government issues its bonds which go into the hands of the reparation commission. They are the underlying security as an obligation of the German Government, whatever that underlying security may be good for.

Mr. DAVIS. Yes.

Senator MOSES. Then the reparation commission issues its certificates to the effect that it holds these bonds for the benefit, let us say, of the French Government. The French Government takes those certificates in five portions, which it is to indorse.

Mr. DAVIS. No.

Senator MOSES. Not more than five portions.

Mr. DAVIS. Not more than five portions and the reparation commission will determine that. It says the reparation commission may. It does not say it will.

Senator MOSES. In article 15, on page 273, it says:

> The commission will issue to each of the interested powers, in such form as the commission shall fix——

Mr. DAVIS. Yes; "in such form as the commission shall fix."

Senator MOSES. Yes; but that means the wording of it, does it not—the form?

Mr. DAVIS. Well, yes: but our records will show very distinctly that these certificates are not to be used in any way to go into the hands of the public.

Senator MOSES. They go into the hands of the Governments.

Mr. DAVIS. Well, but the reparation commission, in fixing the form, if there is any fear of that—I do not think there is at all—can put in there that debentures can not be issued against it.

Senator MOSES. The language of the treaty, on page 273, does not indicate it. It says that they shall issue—

a certificate stating that it holds for the account of the said power bonds of the issues mentioned above, the said certificate, on the demand of the power concerned, being divisible in a number of parts not exceeding five.

Now, it says they will issue, it says what they shall consist of, and that on the demand of the power it is divisible.

Mr. DAVIS. Into five.

Senator MOSES. They get their certificate of one-fifth and hold it as a sovereign power. They indorse it, that it is the obligation of another Government, do they not? In other words, it is the note of the German Government indorsed by the French Government?

Mr. DAVIS. Yes.

Senator MOSES. And the underwriting syndicate takes it at a depreciation from par. There is nothing preventing the underwriting syndicate from issuing debentures and putting them on the market.

Mr. DAVIS. What would you do? I do not think there is any danger of it at all myself, but how would you avoid it?

Senator MOSES. I do not know that it can be avoided, but what I am trying to get at is that it is inconceivable to my mind that a bankrupt country or a country hard pressed for funds is going to hold their certificates of ownership in these bonds and not raise money on them when money is the thing they need; and what I wanted to find out is just what took place in the commission in its discussion with reference to these points, as to whether it was intended that the bonds should be held in the treasuries of the Allied Governments or whether they were going to seep out to the public.

Mr. DAVIS. It was distinctly understood that they should not seep out to the public. That was our principal contention. They first contended that the bonds should be delivered to the Governments themselves. The Governments said, "When these bonds are delivered to the reparation commission, we want our share of the bonds"; but our contention was that this was a matter that concerned the whole world, and that one power that got those bonds might be hard pressed and might want to dispose of them, and they might cause a great deal of trouble; and then we, as I say, agreed that those bonds should be held and distributed only when the reparation commission unanimously decided that it was advisable to do so, and that it was safe to do so, and then they said, "Well, but we might be able sometime to borrow some money. We realize that we should not go to the public, but we would like to have something so that we can go to our own banks and get something against these. We would like to have that right." We explained to them that under the conditions it would not be a very attractive security and that was the reason it was limited to such large units and with the distinct understanding that it was not to get out to the public, because that is the reason we objected to the distribution of the bonds. I am sure our records will be very clear on that, Senator.

Senator MOSES. There are some Governments who possibly could not maintain those things. Now, the Serbian Government, for instance, will have a far smaller gross amount of these bonds than any other. It is absolutely inconceivable to my mind, from observation of the Serbian Government at close range and at long distance, that they are going to hold those bonds and that they are not going

to get money on them, and the chances are that they will have to sell them to an underwriting syndicate that will take them at a great depreciation.

The CHAIRMAN. Do they not issue certificates also for goods, things exported, which should be credited to Germany?

Mr. DAVIS. That is a clause that was put in here because it was contemplated that the reparation commission might take over certain properties or certain materials, in which case the Government said that they would like to have a certificate showing that the reparation commission had it, and that their indivisible interest was so much——

The CHAIRMAN. It is credited to the commission?

Mr. DAVIS. And all the proceeds actually credited.

The CHAIRMAN. The proceeds are credited?

Mr. DAVIS. Yes.

The CHAIRMAN. There is no restriction on those certificates, is there? Those can be sold?

Mr. DAVIS. No; there is no restriction on those; but I do not believe myself that there will be any of them sold, or very few.

The CHAIRMAN. I thought the product of certain of those sales was looked on as one of the things that were to be credited to Germany's reparation fund?

Mr. DAVIS. This will be credited to the reparation fund.

The CHAIRMAN. You do not think anything will be derived from those?

Mr. DAVIS. Not very much.

The CHAIRMAN. Those certificates can be put on the market.

Mr. DAVIS. No; not under the same conditions——

The CHAIRMAN. You mean to say that the treaty requires the commission to hold them?

Mr. DAVIS. That is true. They probably could be put on the market. It is a different kind of certificate. They are not bonds, and I see no objection to their being sold.

Senator BRANDEGEE. What will be the total amount of those certificates?

Mr. DAVIS. I say I do not believe they will amount to much.

Mr. BRANDAGEE. What do you mean by "much?"

Mr. DAVIS. It would not surprise me if they did not amount to anything at all. I do not see how they could possibly amount to over a billion dollars.

Senator BRANDEGEE. You think they are not going to turn over goods?

Mr. DAVIS. No; I do not.

Senator BRANDEGEE. You spoke of your records showing clearly the intention of the parties in relation to the disposition of those bonds. Where are your records?

Mr. DAVIS. They are with the peace commission at Paris.

Senator BRANDEGEE. In Europe?

Mr. DAVIS. Yes.

Senator BRANDEGEE. Why are they not brought to this country now that the treaty is being considered here?

Mr. DAVIS. They probably are. My records are coming over. I have had them shipped. They just have not arrived yet.

Senator BRANDEGEE. Did each committee keep a separate record?

Mr. DAVIS. Each advisory committee kept copies of its records.

Senator BRANDEGEE. What does the record consist of?

Mr. DAVIS. Just regular agreed minutes.

Senator BRANDEGEE. Is it a stenographic record of the conversations that took place?

Mr. DAVIS. No; not necessarily. Sometimes there are conversations, but as a rule the minutes simply represent the conclusions that were finally arrived at, and if there is a difference of opinion, why, then, it represents those differences of opinion.

Senator BRANDEGEE. Who had the decision as to what should go into the record?

Mr. DAVIS. The various members. You see they had official secretaries of the various committees and commissions.

Senator BRANDEGEE. I am speaking about your committee.

Mr. DAVIS. Well, after we agreed upon something, then the minutes were sent to us, after that meeting, and we went over it, and if it was not in accordance with our views, each delegation had a right to make a protest and clear that up.

Senator BRANDEGEE. Who said what the minutes should consist of? Did the secretary make the minutes according as he thought they ought to be?

Mr. DAVIS. He made the minutes as he thought they ought to be, and afterwards they were approved by the commission.

Senator BRANDEGEE. Submitted to the members of the commission?

Mr. DAVIS. Yes, sir.

Senator BRANDEGEE. It is simply a skeleton of results?

Mr. DAVIS. That is all.

Senator BRANDEGEE. It does not contain any of the arguments or reasons?

Mr. DAVIS. Sometimes it did; if they were considered of importance they were put in.

Senator BRANDEGEE. Was this considered of importance—the question of the disposition of these bonds?

Mr. DAVIS. Yes.

Senator BRANDEGEE. Will the record in that instance show what the argument was, or what the conversation was, between the different members?

Mr. DAVIS. I do not know. It will not show all of the conversation, but it will show the policies and views.

Senator BRNDEGEE. Will it show the reasons why you arrived at a certain decision?

Mr. DAVIS. I think so; yes, sir.

Senator BRANDEGEE. The reason I ask that is because not only in your cases, but in the case of other witnesses, when we ask what a certain article or phrase in the treaty means they say, "Why, it is my understanding that it means thus and so." But the treaty will have to be interpreted, if there is a dispute 5 or 10 years hence, by somebody. I saw the other day in one of the public prints an article stating that there was to be a commission created to interpret the treaty where its terms are in dispute. Have you seen anything like that?

Mr. DAVIS. I have noticed something about it.

Senator BRANDEGEE. Do you know anything about the facts?

Mr. DAVIS. No.

Senator BRANDEGEE. If there is no such commission appointed, how are disputes between the different signatories to the treaty to be settled?

Mr. DAVIS. In the reparation chapter of the treaty it is provided that the reparation commission shall settle disputes if there are any.

Senator BRANDEGEE. That is, decide their own case?

Mr. DAVIS. Yes; that is, they are to agree upon an interpretation.

Senator WILLIAMS. Decide upon the meaning of what they themselves have said?

Mr. DAVIS. Yes.

Senator BRANDEGEE. In other instances, who is to settle disputes that may arise as to the terms of the treaty?

Mr. DAVIS. I do not remember any specific instances other than the one I have referred to. I imagine they will be settled just like most disputes are settled.

Senator BRANDEGEE. By war?

Mr. DAVIS. No; I hope not. That is what we are trying to prevent.

Senator BRANDEGEE. How are most disputes settled?

Mr. DAVIS. Most disputes, I have found, with what experience I have had since we got into the war, are settled by the people getting around the table, talking it over and coming to a common agreement.

Senator BRANDEGEE. Suppose they can not come to a common agreement, how is the dispute to be settled?

Mr. DAVIS. That I could not tell, and I do not suppose anybody else could.

Senator BRANDEGEE. How many members of the league are there going to be, provided we go in?

Mr. DAVIS. I do not remember the exact number.

Senator BRANDEGEE. Some 42, are there not?

Mr. DAVIS. Something like that. I did not have very much to do with the league of nations part of the treaty, so I do not pose as an expert.

Senator MCCUMBER. There are 32 provided in the original and 13 more have been invited?

Mr. DAVIS. Something like that.

Senator WILLIAMS. It is provided in the treaty itself that the league of nations shall settle questions of interpretation of treaties between parties.

Mr. DAVIS. I believe it is, Senator.

Senator BRANDEGEE. The league itself is to be the final arbiter, then? Does that require a unanimous judgment?

Mr. DAVIS. It requires a unanimous judgment on most questions. Now, of that I am not sure. The covenant certainly ought to tell.

Senator WILLIAMS. In some cases the treaty says that a majority shall suffice.

Mr. DAVIS. Yes; some a majority and some a unanimous vote.

Senator MCCUMBER. You say that the league must settle it. The league is simply the name that is given to this organization of governments. It is really settled by the council?

Mr. DAVIS. That is right.

Senator MCCUMBER. And the council consists of nine members?

Mr. DAVIS. Yes.

Senator McCUMBER. And on all votes, with the exception of matters in dispute, it must be unanimous, and in matters of dispute it will be unanimous with the exception of the disputants?

Mr. DAVIS. Yes. It is quite remarkable the way you can get a unanimous agreement with a lot of governments sitting around the table.

Senator KNOX. Big governments have a lot of influence over little ones.

Mr. DAVIS. Yes; and little ones have a lot of influence over big ones.

Senator BRANDEGEE. How long did it take you to come to a unanimous agreement about this treaty?

Mr. DAVIS. About six months—five or six months.

Senator BRANDEGEE. Surprising how easy it was to do it, was it not?

Mr. DAVIS. No; it was not easy, because there were so many questions to come to a unanimous agreement about. But it did not take so long to come to an agreement on a specific question, but there were so many questions to take up that it took a long time.

The CHAIRMAN. Mr. Davis, you said, what is clear in the treaty, that the reparation commission would decide these questions arising under clauses in the treaty. But the reparation commission to be appointed under the treaty was not identical with your body that prepared those clauses?

Mr. DAVIS. No; not at all. No; the reparation commission to be appointed under the treaty is composed of one representative from each of the five powers, and then one from Belgium and one from Serbia.

Senator MOSES. On page 267 of the print which you have, Mr. Davis, paragraph (*b*), does that empower the reparation commission to supersede the German Reichstag in writing taxation measures for Germany?

Mr. DAVIS. No, as a matter of fact, in the exchange of notes with Germany, after the first conditions of peace were presented, we specifically informed Germany that it was not intended that the powers of the reparation commission should extend to interfering in the internal affairs of Germany, and my own opinion is that this clause was unnecessary but some of the Governments were very anxious to have it put in.

Senator MOSES. What Governments?

Mr. DAVIS. England and France especially wanted it, and Italy. The three of them wanted it.

Senator MOSES. The exchange of notes constituted an effective reservation in the treaty?

Mr. DAVIS. Yes. Well, it was more a question of the spirit than anything else, but a protocol was finally drafted, which is very short—I have forgotten how many articles—which defines that, and there were probably four or five questions that arose, and one of them was the specific question, as I recall it, that the reparation commission was not to exercise administrative influence or power over Germany, or interfere with her internal affairs.

Senator BRANDEGEE. What could be the object of this language?

Mr. DAVIS. I think it is political.

Senator BRANDEGEE. No; wait a minute. Take this same paragraph (*b*) on page 267. [Reading:]

The commission shall examine the German system of taxation, first, to the end that the sums for reparation which Germany is required to pay shall become a charge upon all her revenues prior to that for the service or discharge of any domestic loan, and secondly, so as to satisfy itself that, in general, the German scheme of taxation is fully as heavy proportionately as that of any of the powers represented on the commission.

Now supposing they find that the German scheme of taxation is not proportionately as heavy as that of the other powers represented on the commission. Are they to do nothing about it?

Mr. DAVIS. Well, my judgment is that they can do absolutely nothing about it until Germany has failed to comply with her obligations up to that moment, and unless the reparation commission is convinced that an increase in Germany's tax would increase her capacity to comply with her obligations, and it is not until——

Senator BRANDEGEE. Suppose they are convinced of those things. Then what?

Mr. DAVIS. They have a right to tell Germany that she should increase her tax. She has to comply with the reparation obligation.

Senator BRANDEGEE. Then why did you not answer Senator Moses in the affirmative instead of the negative?

Mr. DAVIS. I will tell you why. To begin with, if Germany was unable to comply with her reparation obligations, and was taxed maybe 50 per cent of those of England: you might, for instance, increase them equal to England's, and by so doing you would really decrease her capacity to pay instead of increasing it.

Senator BRANDEGEE. That was not Senator Moses's question. He asked you, if I understood him correctly, whether under this paragraph (*b*) it would overreach the right of the German Reichstag to fix their rate of taxation, and you said it would not. Now, if they can order them to raise their rate of taxation and also increase their capacity to pay, then it seems to me you ought to say that it does overreach.

Mr. DAVIS. I can not say so, because I do not believe it does. I probably have not expressed myself clearly.

Senator BRANDEGEE. Well, if it does not, I do not see the use of putting it in.

Mr. DAVIS. As I said, I think it really is an article that is unnecessary, but some of the Governments wanted this in very badly, and we agreed to it.

Senator MCCUMBER. Suppose that Germany should levy a tax, one-half of the tax that is imposed upon the subjects of Great Britain, and that 50 per cent of said tax would not be sufficient to meet her obligations. Then the commission would have a right to insist that she meet her obligations, if she had to raise her tax equivalent to that of Great Britain.

Mr. DAVIS. Yes, provided that the raising of the tax would enable her to do so.

Senator WILLIAMS. Would bring a greater net revenue?

Mr. DAVIS. Yes.

Senator WILLIAMS. Let me ask you a question there. Under the Articles of Confederacy, before we went into this Federal Union, the Congress of the Confederacy had no right to levy taxes on a State,

but they did have a right to call upon the States to increase their levies and come up to their quotas as they had undertaken to pay them.

Mr. DAVIS. Yes, sir.

Senator WILLIAMS. And they had the power to coerce the State to do it. That was under the Articles of Confederacy, which was a sort of American league of nations.

Senator KNOX. It turned out to be a failure.

Senator WILLIAMS. It turned out to be a failure in every respect except the first original object, which was to keep peace among the colonies. It did turn out to be a failure as a government, and we had to organize instead of a league of States a State league, or a Federal Government, the old German difference btween a staatsbund——

Mr. DAVIS. Germany's reparation is really to be payable in foreign currency, and a decrease in her tax may increase her capacity to obtain foreign currency.

Senator MOSES. But that is to be paid at a stabilized rate of exchange.

Mr. DAVIS. How can you convert local currency into foreign currency? There is only one way on earth, and that is by exports.

Senator MOSES. But you can stablize the rate of exchange. You know how many marks she has.

Mr. DAVIS. How will you do that?

Senator MOSES. It is in the treaty.

Mr. DAVIS. They have established a gold parity, but they can not possibly maintain that gold parity unless they can get foreign currencies with which to do so. It is perfectly conceiveable that Germany might have a big surplus income which is payable in German marks, and the Germany currency might show such a depreciation in respect to foreign currencies that she could not use that surplus at all. If that condition existed, what would be the use of increasing her taxes further?

Senator MOSES. Is it the opinion of the reparation commission that Germany could meet the conditions of the treaty?

Mr. DAVIS. I think they can meet it the way it is, because it is elastic. It is to be regulated in accordance with her capacity. I do not think Germany could meet the maximum that is laid down here. American delegates were in favor of fixing a definite amount now, but there are many reasons that make that practically impossible at this moment.

Senator MOSES. Such as what?

Mr. DAVIS. For instance, the reparation commission was subdivided into three other committees or commissions and one of these commissions was to endeavor to arrive at an agreement as to what Germany could reasonably be expected to pay—her capacity to pay. There was quite a considerable difference of opinion as to what Germany could pay within a period of 30 years, or one generation, but it soon became apparent that Germany's bill would be greater than her capacity to pay, I mean on a reasonable estimate at this time. But as she did owe so much more, the governments who are greatly concerned said, "It is probable that she can not pay everything that she owes, but we want to get all we can out of her, and we want at least to make her pay all she can, and we would like to have that open.

We do not propose to collect—we can not collect—more than Germany can pay." That is the reason this elasticity is given to the reparation chapter and to the powers of the reparation commission.

Senator JOHNSON of California. To take the utmost she can pay during the next generation?

Mr. DAVIS. That is it. My own judgment is that within six months they will come to a definite agreement as to what Germany shall pay.

Senator WILLIAMS. That they will be able to state a definite amount?

Mr. DAVIS. Absolutely. I think they are going to find that those governments do need something as a basis of credit. Under the present arrangement the German bonds that would be delivered under this treaty would not be sufficiently attractive because of this indefinite, ness. At present, the more Germany works and the more she saves, the more she has got to pay, but even then she might not be able to pay the full amount, and I do not believe that investors would be interested in German obligations, and the banks would not buy them, until they know definitely what is going to be the final policy of the reparation commission and the various governments in relation thereto, and just what Germany is going to be called upon to pay; and then, after that amount is fixed and agreed upon, if they think that Germany can pay, why then those would be attractive securities and would serve as a basis of credit to rehabilitate Europe.

Senator BRANDEGEE. You say that that will be within six months?

Mr. DAVIS. Yes; that was in the interchange of notes. For political and other reasons it was impossible to agree to a definite, fixed amount now.

Senator BRANDEGEE. I quite understand that.

Mr. DAVIS. We had to leave it indefinite; but in the notes exchanged with Germany we finally stated, "Now, we will be glad to give you facility to study the damage you have done and make propositions within four months either to repair a part of this damage, or to pay for the damage, and to issue obligations for the balance, and in order to come to a definite agreement we will endeavor to arrive at an agreement, fixing a definite amount, two months thereafter."

Senator KNOX. Between whom were those notes exchanged?

Mr. DAVIS. Between the allied and associated peace conference and the German plenipotentiaries.

Senator KNOX. Where are those notes?

Mr. DAVIS. They were published, Senator.

Senator KNOX. Are they here in our State Department?

Mr. DAVIS. Oh, yes; I think so. Substantially what they agreed, Senator, is in the protocol to the treaty.

Senator JOHNSON of California. That was submitted by the President?

Mr. DAVIS. Yes; but there is quite a lot of correspondence.

Senator JOHNSON of California. I mean the substance of it.

Mr. DAVIS. The substance is in the protocol.

Senator JOHNSON of California. There is extensive correspondence?

Mr. DAVIS. Yes.

Senator JOHNSON of California. That which was furnished to the Senate by the President constitutes the substance, you say?

Mr. DAVIS. Yes. I am satisfied that all of the governments concerned, especially those most greatly concerned, will soon realize that it is very important to fix a definite amount and settle this definitely, so that Germany and the world knows what is to be done.

Senator MOSES. Particularly in Mr. Baruch's testimony, he says that Ge-many can not pay. He says on page 41:

Because Germany can not pay the entire claim.

Further down on the same page he says [reading]:

The general view is that there will not be enough to go around; that Germany will not be able to pay it.

And then again he says:

Germany will be unable to meet the bill that will be put against her.

And he says further:

Germany actually owes more than she can pay.

Mr. DAVIS. I agree with what Mr. Baruch says, but there are other people that hold different views, Senator. I quite agree with his views, but there are people who hold other views. There were some representatives who thought that Germany could pay $100,000,000,000, which is more than Germany's national wealth. There was quite a difference of opinion, but I think that as a rule decidedly a very large majority of economists and financiers agreed substantially that Germany can not pay what her bill will amount to.

Senator MOSES. And Mr. Baruch said that up to the very last day the American commissioners sought to have a definite amount fixed.

Mr. DAVIS. We did.

Senator MOSES. But he gave no explanation as to why the American commissioners yielded that point. What was the real reason?

Mr. DAVIS. Because it was not our party as much as it was that of the other Governments'.

Senator MOSES. Upon the theory that we are not to participate in the reparation?

Mr. DAVIS. I mean our participation is so infinitesimal, that it is not a vital question.

Senator MOSES. Then, why take one-fifth of the responsibility?

Mr. DAVIS. The results of it concerns the United States very much because the financial stability of the world concerns the United States even from a selfish standpoint,.

Senator MOSES. We are one of the four permanent voting members of the reparation commission?

Mr. DAVIS. Yes.

Senator MOSES. Just why was that unique piece of mechanism set up in that way?

Mr. DAVIS. Well, England, France, Italy, and Belgium have more material interest in what Germany pays than any other Government, very much more. They were the only ones that had very much to collect from Germany.

Senator MOSES. Serbia?

Mr. DAVIS. Serbia's bill is really more against Bulgaria.

Senator WILLIAMS. And Austria.

Mr. DAVIS. And Hungary and Austria. Those were the principal countries concerned. That is the reason.

Senator MOSES. Then, why was not Belgium made a member?

Mr. DAVIS. Belgium is made a member.

Senator MOSES. As far as her interest is concerned.

Mr. DAVIS. Yes.

Senator MOSES. We are made a permanent voting member?

Mr. DAVIS. Germany was made jointly and severally liable for the damage done by her associates and allies, and Germany theoretically is liable for all the damage that Bulgaria and Austria-Hungary did to Serbia and Roumania, but it is hoped that they will collect most of their share from Bulgaria and Hungary.

Senator WILLIAMS. Whatever they do collect will go as a credit?

Mr. DAVIS. Absolutely.

Senator MOSES. You seem to be missing the point. We would have an infinitesimal share in the reparation, but we are one of the four permanent voting members. Belgium has a larger share in the reparation, but is a member only as her interests are concerned. Why the distinction?

Mr. DAVIS. Well, Belgium is of course a small power and does not have the world interests that a larger power has, but it was felt that Belgium's rights must be protected, and therefore that she should participate in voting on matters that concerned Belgium. But the larger powers are really more concerned with conditions throughout the world than a small power, because they can suffer more and they have more interests.

Senator MOSES. The assumption being that every vote taken by the reparation commission is one that will interest us?

Mr. DAVIS. Yes; the other powers were very anxious to have the United States come into the reparation commission.

Senator MOSES. I have no doubt of that.

Mr. DAVIS. Because they thought that our material and moral influence would be valuable.

Senator POMERENE. May I suggest this, too, that while we may not have a very large part of the funds that are paid in reparation, we have a very positive interest in the financial condition of those nations which will receive this money, because they owe us about $10,000,000,000?

Mr. DAVIS. I see every reason why we should go on the commission myself, and I see no reason, practically, why we should not, because, as I say, while the other countries, England, France, Italy, and Belgium, expect to collect very much more from Germany and have a much larger claim than the United States—our claim is very small, even if we put it in—yet it would seem that we are vitally interested in the financial conditions of the world and of these countries. We are the creditors of the world.

Senator BRANDEGEE. Do you know what portion of the records of the peace commission has arrived in this country?

Mr. DAVIS. No; I do not.

Senator BRANDEGEE. It has been a month since the President arrived here, and I wondered whether they were going to keep the records over there or send them here.

Mr. DAVIS. I have not heard as to that.

Senator WILLIAMS. He ought to have brought them in his valise.

Senator BRANDEGEE. No; but in a month I thought they might have been brought over.

Senator WILLIAMS. There are many of them coming every day.

Senator BRANDEGEE. That is what I am trying to find out. I did not know whether they were coming or not.

Senator MOSES. In naming fifteen billions as the amount of bonds to be issued, you had reference to the provisions at the bottom of page 267 and on page 269 of the committee print, did you not, paragraphs 1 and 2?

Mr. DAVIS. Yes.

Senator MOSES. Fifteen billions surely will be issued?

Mr. DAVIS. Yes.

Senator MOSES. And possibly ten billions more?

Mr. DAVIS. Well, possibly. I hope that the financial condition of Germany will be so good that those can be delivered; but it entirely depends on that, because those $10,000,000,000 under (3) are not to be delivered until the reparation commission are unanimously of the opinion that Germany can meet the interest and sinking fund on these obligations.

Senator POMERENE. May I ask a question there?

Senator MOSES. Oh, yes.

Senator POMERENE. In view of certain suggestions which have been made, perhaps outside of the committee, I will ask you this question: You have called attention to the manner in which these bonds are to be trusteed, the manner in which the certificates are to be issued to the several parties. Is there anything in this treaty which makes the commissioners or the State or the Government which they represent individually or collectively liable for the redemption of either these bonds or the certificate?

Mr. DAVIS. No; there is not.

The CHAIRMAN. Does any other member of the committee desire to ask any questions?

Senator SWANSON. Mr. Davis, let me ask you a question on something that we were discussing with Mr. Baruch.

After this treaty is ratified, how will the trade relations between Germany and the United States and other allied countries be resumed? To what extent will the reparation commission have control of that?

Mr. DAVIS. Theoretically they can come and trade. Anyone who has got the money to buy something—any German who has the money to buy something—can come and get it. From a practical standpoint it will probably be rather difficult, for the first two years, without the permission of the reparation commission. If you can conceive of this reparation chapter as something that we were discussing pro and con for several months, you will understand that people's views changed, more and more as they got into the facts.

It was first thought that Germany could pay $5,000,000,000 within the first two years, I personally, always contended that it would be impossible, or that if she did, she would not be able to pay anything else, because it would leave her so weak; it would just take all her capital they had; and that instead of Germany paying $5,000,000,000 the first two years, I thought those Governments would have to help Germany; either land her money, or let her keep some capital which she had; and that unless Germany could get food and raw materials, they would not be able to do anything.

So that, in substance, my interpretation of that first payment of $5,000,000,000 is that Germany shall pay to the reparation commission $5,000,000,000, less what she may requiré in food and raw materials during those first two years, which may perhaps mean that Germany can pay only $2,000,000,000; because, in addition to that, she has to pay the armies of occupation; and the United States will have a rather large bill there.

Senator SWANSON. Let me ask you this question, for the understanding of the treaty. If a German factory or manufacturing establishment had the money, and desired to purchase raw material in this country, lumber or cotton, or elsewhere rubber, could she do it without the consent of the reparation commission?

Mr. DAVIS. My judgment is, yes.

Senator SWANSON. Mr. Baruch had an idea that she could not.

Mr. DAVIS. Here is the point. Germany can not export securities or gold during the first two years without the consent of the reparation commission. For instance, during the armistice period Germany could not export gold without the consent of the supreme economic council, which was the body that controlled such matters.

Senator SWANSON. Nothing would prevent a foreign concern from extending credit to a German manufacturing establishment for raw materials?

Mr. DAVIS. No. It might be possible, however, that anyone extending credit, in order to avoid any misunderstanding, would like to have the approval of the reparation commission.

Senator KNOX. Are not the French selling to the Germans now?

Mr. DAVIS. Yes; and I think that if any American wants to sell anything to a German, he will sell it to him and ship it to him.

Senator WILLIAMS. You do not mean if it involves the export of gold or securities from Germany?

Mr. DAVIS. No. If it does, it can not be done.

Senator WILLIAMS. But if it involved some credit that a German bank could arrange with a bank in New Orleans which did not involve the export of gold or securities from Germany, then no consent of anybody would be necessary?

Mr. DAVIS. My opinion is that it would not require the consent of anybody.

Senator KNOX. That is, to-day, if the United States Steel Corporation wanted to sell to a German railroad 20,000 tons of steel rails, they could do it and give them credit for it?

Mr. DAVIS. Yes.

Senator WILLIAMS. Or if a New Orleans bank wanted to extend a credit to a Hamburg bank and the Hamburg bank wanted to buy cotton, that could be done?

Mr. DAVIS. Yes.

Senator WILLIAMS. It is only where gold or securities come into consideration that that becomes operative?

Mr. DAVIS. That is perfectly true. It is I think, however, that a banking institution or an exporting house would like to know just what the reparation commission's policy is going to be before extending any very large line of credit. They might want to know that.

Senator WILLIAMS. Undoubtedly, because any very large line of credit would have to be based, ultimately, upon gold or securities.

Senator SWANSON. But there is nothing in the treaty to prohibit anything except the export of gold and securities?

Mr. DAVIS. No.

Senator KNOX. That might involve the policy of whether the reparation commission were going to permit the export of gold or securities in connection with that transaction.

Senator WILLIAMS. In a transaction such as I have indicated in cotton, or in a steel products transaction such as Senator Knox indicated, a good deal of this payment would be made through clearing-house balances, would it not—clearances of one sort or another—without resulting in the shipment of gold or securities?

Mr. DAVIS. Yes.

Senator WILLIAMS. Germany will be wanting to buy steel from us, and we will be wanting to buy a good deal from Germany, too, pretty soon.

Mr. DAVIS. Yes.

Senator KNOX. Is there any limitation upon the importation of gold into Germany?

Mr. DAVIS. No, sir.

Senator KNOX. So that if we wanted to buy now, and pay in gold, we could do it?

Mr. DAVIS. Yes.

Senator WILLIAMS. Yes; and that very gold might later be treated, as a part of a balance of trade settled by the reparation commission, as being in an exceptional attitude?

Mr. DAVIS. Germany will want to withdraw the gold if she can.

The CHAIRMAN. Are there any further questions to be asked Mr. Davis. If not, Mr. Davis, we will excuse you.

Senator KNOX. Senator Johnson indicated that he would like to have Mr. Davis return to-morrow. He was compelled to leave, and he wanted to ask him some questions.

The CHAIRMAN. Very well; then Mr. Davis will come back to-morrow.

The committee has said hitherto that they would like to hear the Secretary of State, and I think we can finish with Mr. Davis to-morrow and I could ask Mr. Lansing to come.

Senator MOSES. To come on the following day, do you mean, Mr. Chairman?

The CHAIRMAN. No; to come to-morrow. I do not know how long Senator Johnson desires to examine Mr. Davis. I will take the pleasure of the committee on that. Shall I ask the Secretary of State to appear the day after to-morrow?

Senator SWANSON. I think it would be better. We sit only an hour and a half each morning.

The CHAIRMAN. Very well; then I will ask the Secretary to come on Wednesday.

There is no other witness to be heard this morning, that I am aware of. The committee will stand adjourned until to-morrow morning at half past 10, and I will ask you to be here then, Mr. Davis, if you can.

Mr. DAVIS. Yes, sir.

(Thereupon, at 11.55 o'clock a. m. the committee adjourned until to-morrow, Tuesday, August 5, 1919, at 10.30 o'clock a. m.

TUESDAY, AUGUST 5, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met at 10.30 o'clock a. m., pursuant to adjournment, in room 426, Senate Office Building, Senator Henry Cabot Lodge, presiding.

Present, Senators Lodge (chairman), McCumber, Brandegee, Fall, Knox, Harding, Johnson of California, Moses, Hitchcock, Williams, Swanson, Smith, and Pittman.

STATEMENT OF MR. NORMAN H. DAVIS—Continued.

The CHAIRMAN. We will continue with Mr. Davis.

Senator JOHNSON of California. Mr. Davis, you were a member of two commissions, as I understood you, Finance and Reparation?

Mr. DAVIS. Yes.

Senator JOHNSON of California. Did each commission have separate experts?

Mr. DAVIS. Yes. Sometimes they duplicated. Sometimes some of the same people were on both commissions, but they were separate bodies.

Senator JOHNSON of California. Did any of those experts resign at any time?

Mr. DAVIS. One of the British representatives resigned along at the last, who represented the British treasury. He resigned because of ill health.

Senator JOHNSON of California. Did the American experts resign?

Mr. DAVIS. Not on any of the committees that I was on.

Senator JOHNSON of California. Do you recall that any resigned at all?

Mr. DAVIS. I recall that Mr. Bullitt, who was attached in some way to the peace delegation, resigned.

Senator JOHNSON of California. Did any of the experts resign that you recall?

Mr. DAVIS. No.

The CHAIRMAN. Was Mr. Bullitt the one who went to Russia?

Mr. DAVIS. Yes.

Senator MCCUMBER. Who went with Mr. Bullitt to Russia? There was some one else went with him.

The CHAIRMAN. Lincoln Steffens.

Mr. DAVIS. I am not positive, but I think it was Lincoln Steffens.

Senator JOHNSON of California. They went there representing the United States?

Mr. DAVIS. Senator, I never did quite understand just in what capacity they went there, but apparently for the United States.

Senator JOHNSON of California. When you reached Paris and were engaged in that work, Mr. Bullitt was a regular official attached to the American Commission in some capacity, was he not?

Mr. DAVIS. Mr. Bullitt was, I understand, in some way connected with the State Department and was with the State Department staff there, and I did not come in contact with him at all, so I do not know just what he did.

Senator JOHNSON of California. Did you have any fundamental theory or any basis upon which you began your work in relation to reparations?

Mr. DAVIS. Yes; you mean as to arriving at Germany's capacity to pay?

Senator JOHNSON of California. Well, in arriving at the modus operandi ultimately of the collection of the debt, and the like?

Mr. DAVIS. Yes; we started out with a practical definition as to what Germany was liable for, which was defined in the interchange of notes between the President and the German Government and between the President and the allied powers.

Senator JOHNSON of California. Those notes to which you refer were written when—after the armistice or before the armistice?

Mr. DAVIS. Leading up to the signing of the armistice.

Senator JOHNSON of California. And the armistice gave you the foundation, then, upon which to work?

Mr. DAVIS. We felt that an agreement was made.

Senator JOHNSON of California. And that that agreement had been that Germany should pay all of the damage that had been caused by her?

Mr. DAVIS. All of the damage to civilians and their property.

Senator JOHNSON of California. That alone?

Mr. DAVIS. I forget the exact wording. It was first defined in certain of the fourteen points, in the interchange of notes by the President with the Germans and the Allies, the Allies desired to clear this matter up definitely, and they replied that they would like to understand just what this damage referred to; that is, if it were all damage caused on the ocean, from the air, and on the land, and the President replied yes, and then that was presented to the Germans, and they said, "On those conditions we are prepared to sign the armistice."

Senator JOHNSON of California. Were these notes published at the time?

Mr. DAVIS. Oh, yes.

Senator JOHNSON of California. And these were notes that were subsequent to the fourteen points and prior to the armistice?

Mr. DAVIS. Absolutely.

Senator JOHNSON of California. Were they the notes upon which the armistice was based?

Mr. DAVIS. That was our understanding.

Senator JOHNSON of California. You started, then, so far as the American Commission was concerned, with a basis for computation and a basis for reparation provisions?

Mr. DAVIS. Absolutely.

Senator JOHNSON of California. And that basis was what, if you will please repeat it?

Mr. DAVIS. That Germany should repair the damage caused to the civilians and their property wherever found.

Senator JOHNSON of California. Was that basis adhered to throughout.

Mr. DAVIS. We understand that it was.

Senator JOHNSON of California. And so far as the provisions of the treaty are concerned, is that basis adhered to?

Mr. DAVIS. I think so, Senator. There were naturally some differences of opinion as to what would be included in that, but I think it was.

Senator JOHNSON of California. Now, that basis, you took it from the very beginning, without a real computation, would equal an amount greater than Germany could pay?

Mr. DAVIS. Well, we had experts working for several months computing damages under the various categories which came within that so-called agreement leading up to the armistice, and all of the Governments were filing statements of their specific damages, and our experts and their experts were going over these, comparing them with their own information, and we got at a comparatively reasonable estimate as to what the damage under the various categories would amount to.

Senator JOHNSON of California. These experts began that work after you had gone to Paris?

Mr. DAVIS. Yes.

Senator JOHNSON of California. Now that estimate that you thus reached was conceived to be a reasonable estimate of the amount that ought to be paid upon the basis you have suggested?

Mr. DAVIS. We felt that that was a reasonable estimate of what Germany was liable for. Then the other question arose as to whether or not Germany could pay that amount.

Senator JOHNSON of California. And the conclusion reached on the latter subject was that she could not pay that amount?

Mr. DAVIS. That was our conclusion, Senator. Some people still hold that she can.

Senator JOHNSON of California. It is a part of the treaty, is it not? You have inserted it as a provision that it is recognized that Germany is unable to pay the full debt that is due from her?

Mr. DAVIS. No, I do not so understand that. My interpretation of the first article in the reparation chapter is that Germany is morally responsible for having caused all of the damage, all the war costs and everything else, but realizing her inability to make good, to restore all of that damage, the allied and associated governments had confined themselves to requiring Germany to pay to the utmost of her capacity the damages under the specific categories attached.

Senator KNOX. Can you tell how much the war cost the world?

Mr. DAVIS. Oh, that is very difficult. Of course, Senator, that depends very much on how you figure that. If you mean the economic loss, it is one thing. If you mean actual expenditures——

Senator KNOX. I mean actual expenditures.

Mr. DAVIS. The actual expenditures were probably between $200,000,000,000 and $250,000,000,000.

Senator HARDING. Does that include property destroyed by the war?

Mr. DAVIS. No, I am just referring to expenditures by the various Governments concerned.

Senator HITCHCOCK. Do you include what the German Government would have to expend now in reimbursing?

Mr. DAVIS. No, I mean the expenditures for conducting the war.

Senator MCCUMBER. Is that on the part of the Allies alone, or on both sides?

Mr. DAVIS. That would include everything, the Germans and everybody.

Senator SWANSON. I have seen a statement made by some statisticians that the bonded indebtedness would amount to about $190,000,000,000 when the armies were disbanded, and that the residue, between that and $250,000,000,000 would be represented by the taxes that were collected in that time.

Mr. DAVIS. I think $190,000,000,000 is rather excessive, Senator. As I recall, England's bonded indebtedness will be about 10,000,000,000 pounds, or we will say, $50,000,000,000, and the United States $30,000,000,000. That would be $80,000,000,000. Ours probably will not go quite so high, say, $25,000,000,000. That will make $75,000,000,000 for England and the United States; France, $25,000,000,000, would be $100,000,000,000, and Germany about $35,000,000,000, or a total of $135,000,000,000. Italy increased her bonded indebtedness to about $12,500,000,000 during the war, and Austria increased hers about $12,500,000,000.

Senator WILLIAMS. Does that computation take in Turkey and Bulgaria?

Mr. DAVIS. No, but they were very small. I should say both those Governments combined would not increase the figure over $5,000,000,000. Certainly $150,000,000,000 of bonded indebtedness would about cover it.

Senator SWANSON. I think that estimate was for the time when the armies were disbanding and peace declared.

Mr. DAVIS. I am calculating up to the present.

Senator JOHNSON of California. With the estimates made by your experts of the total damage, what was the reason why you did not in the treaty fix the total amount to be paid by Germany? Probably you stated that yesterday, but possibily I have forgotten it.

Mr. DAVIS. I should say principally, Senator, because, according to the judgment of most of us at any rate, Germany could not pay anything like the full amount of the damage for which she was liable; and because the amount which she could pay was smaller than the full bill, we were principally anxious to have Germany sign a note for the full amount, and then determine later on what reductions should be made on that.

Senator JOHNSON of California. And so you consider the treaty to be the signing of a note for the full amount, with the power in the Reparations Commission to make deductions subsequently, which shall be determined. Now your Reparation Commission consists in reality of the Big Five?

Mr. DAVIS. Not the Big Five. It is really the Big Four and Belgium.

Senator JOHNSON of California. The Big Four and Belgium. I think we have one-fifth of the voting power.

Mr. DAVIS. Yes.

Senator JOHNSON of California. And in some instances, where Belgium is not concerned, as I recall the treaty, probably one-fourth of the voting power.

Mr. DAVIS. No; where Belgium is not concerned some one else sits in Belgium's place.

Senator JOHNSON of California. So that in any event we will never have more than one-fifth of the voting power.

Mr. DAVIS. No; but we provided that that one-fifth would be a very powerful vote, because in most important matters a unanimous vote is required.

Senator JOHNSON of California. Yesterday you said what I think is quite the fact in all of our experience, that when men sit by themselves around a table it is not difficult to reach a unanimous conclusion. That is correct, isn't it?

Mr. DAVIS. Yes.

Senator JOHNSON of California. And that is your experience in practice?

Mr. DAVIS. It takes time. It can not always be done. Sometimes there may be such conflicting conditions that it may take some time, and you may have to go at it gradually to accomplish it.

Senator JOHNSON of California. But ultimately——

Mr. DAVIS. Ultimately, I think it can be done.

Senator JOHNSON of California. So that now we have Germany signing a note admittedly for more than she can pay. We can start with that premise, can we not?

Mr. DAVIS. Well, it is no more than some of the interested parties think she can pay?

Senator JOHNSON of California. I am, of course, taking the view that you gentlemen took.

Mr. DAVIS. The American view is that, absolutely.

Senator JOHNSON of California. I take our American view in preference to any other.

Mr. DAVIS. Yes.

Senator JOHNSON of California. And you gentlemen have reached the conclusion that it was a note for a greater sum than Germany was able to pay?

Mr. DAVIS. Yes.

Senator JOHNSON of California. You look forward, however, finally to the reparation commission, composed as you have indicated, scaling that down so that she can pay. The scaling down would depend upon obtaining the unanimous consent of the reparation commission hereafter, would it not?

Mr. DAVIS. Yes.

Senator JOHNSON of California. And without that unanimous consent the world is confronted to-day with a bill that has been placed against Germany greater than it is possible for her to pay, and under the terms of this treaty she may be required in various fashions, as they are indicated, to attempt to pay that bill.

Mr. DAVIS. I think not. In the first place, Germany delivers bonds for only $15,000,000,000, except the small extra amount that she will deliver for Belgium, which probably would run it up to $16,000,000,000, and Germany can not be called upon to deliver any more bonds without the unanimous consent of the reparation commission. In other words, we insisted that Germany must not be

put in the position of having obligations, bonds outstanding, which might be in excess of what she could reasonably be expected to pay, and we avoid that danger in that way.

Senator JOHNSON of California. With the debt hanging over her?

Mr. DAVIS. Yes; it is a book account, that is true; there is that book account.

Senator JOHNSON of California. Is there any mode by which that book account may be collected or enforced?

Mr. DAVIS. No.

Senator JOHNSON of California. To what extent, then, may the reparation commission enforce its collection hereafter?

Mr. DAVIS. My interpretation is that the reparation commission can not enforce the collection of anything beyond the bonds which they have in their possession or that have been delivered to them.

Senator JOHNSON of California. Is that your reading of the treaty?

Mr. DAVIS. Yes.

Senator JOHNSON of California. And is that your reading concerning the taxation clause, the industrial clauses, and the like?

Mr. DAVIS. Yes; it is.

Senator JOHNSON of California. And in respect to shipping and the various things that Germany is to deliver, is that your reading of the treaty?

Mr. DAVIS. That will all be credited.

Senator JOHNSON of California. I understand that, that that will all be credited, but the point is, has not the reparation commission the power—whether it will exercise it or not is a different proposition—to endeavor to collect this bill that Germany now owes?

Mr. DAVIS. I do not understand that they can do anything toward collecting anything except the bonds that they have, that have been delivered to them.

Senator JOHNSON of California. Do you interpret the treaty to mean that the reparation commission can do anything concerning the compelling the performance of the terms of the treaty by Germany except the collection of the bonds?

Mr. DAVIS. From a practical standpoint and from a reading of the treaty I do not see how they can do anything else.

Senator JOHNSON of California. I am very glad to have your construction of it because, as I understand the terms, I had quite a different view.

Senator HARDING. Right there, then, what is the object in giving to the reparation commission the power to see that the German rate of taxation is made equivalent to that of any other power engaged in the war?

Mr. DAVIS. Senator, as I stated yesterday, I do not think that was a necessary clause to put in the treaty. Some of the other powers wanted it in the treaty, partly for political reasons, and we could see no objection to it, and we agreed to its going in; but, as I explained yesterday, the German rate of taxation may or may not have any relation to Germany's capacity to pay in foreign currency, because her taxes will be collected in German currency.

Senator HARDING. If you have covered that already, I am sorry to have taken the time to-day.

Senator McCUMBER. Is not the effect of that agreement simply this: That the reparation commission will not release any part of the sum which Germany agrees to pay if the taxation in Germany is not as heavy as it is in the other countries? In other words, if her taxation is less than that of the countries to which she owes the debt, those countries will insist that she shall pay, if it requires a taxation equal to their own, and that they will not release any part of it until her taxation comes up to the taxation of the other countries.

Mr. DAVIS. That is, provided they are of the opinion that an increase in her taxes will increase her power to comply with her obligations.

Senator McCUMBER. Yes; I understand, but that is the purpose of it?

Mr. DAVIS. Yes.

Senator McCUMBER. And if they find that she can not even pay the taxation equivalent to what is paid in France or in Great Britain, they may still relieve her from a portion of the debt, provided the effect of increasing her taxation would be to destroy her ability to pay.

Mr. DAVIS. Absolutely. In other words, if they expect to collect from Germany they have got to treat that situation in an intelligent manner, or they will destroy Germany's capacity to pay.

Senator JOHNSON of California. Exactly, and you look to see the reparation commission treat it in an intelligent manner, so that they will take up to Germany's capacity and no more?

Mr. DAVIS. Yes.

Senator JOHNSON of California. But there is the power to do more, is there not?

Mr. DAVIS. Yes; they have the power. That is, they have the power to take measures or fail to take measures which would not be intelligent and constructive.

Senator JOHNSON of California. Exactly; so that with your bill that Germany has signed in blank, your reparation commission have the discretion to do as they see fit. We assume that the reparation commission will act intelligently, of course, and not press the debtor to the wall, but the reparation commission has the power to do otherwise.

Mr. DAVIS. I do not see how the reparation chapter of the treaty can be construed beyond the fact that the reparation commission can only enforce compliance on the part of Germany in respect to the bonds which have been delivered to the reparation commission.

Senator JOHNSON of California. How do you look for the enforcement of the sums that will be fixed otherwise—for reparation in those sums?

Mr. DAVIS. That is left rather vague, and I do not see how it can be enforced.

Senator JOHNSON of California. Do you mean that if the reparation commission, outside of these bonds, determine that Germany shall pay a certain sum, there is no means of enforcement of it?

Mr. DAVIS. No; but I say the reparation commission must first determine that Germany shall deliver additional bonds, and that that requires a unanimous vote.

Senator JOHNSON of California. All right, but under the bill which has been admitted by Germany and is now indefinite in amount, if they require that a certain sum shall be delivered in bonds, Germany must deliver them.

Mr. DAVIS. Oh, decidedly.

Senator JOHNSON of California. Certainly, and the reparation commission has the power to determine the amount of those bonds up to the amount of the bill.

Mr. DAVIS. Absolutely.

Senator JOHNSON of California. And require Germany to pay them?

Mr. DAVIS. Yes, indeed.

Senator JOHNSON of California. Now the reparation commission, if you will recall, has no power of cancellation.

Mr. DAVIS. Except by unanimous vote.

Senator JOHNSON of California. They have even got to go back to their Governments, have they not? Do you not recall that provision?

Mr. DAVIS. It does say that the Governments, acting through the reparation commission, as I recall the wording——

Senator JOHNSON of California. I am not attempting to state with any degree of accuracy my recollection of the treaty, but as I recall it, before cancellation or modification in reality, the reparation commission must have the consent of the Governments concerned.

Senator FALL. I have the provision here.

Senator JOHNSON of California. Will you read it?

Senator FALL. This is the way it reads:

Annex 2 to article 244, paragraph 13, subsection (a): Questions involving the sovereignty of any of the allied and associated powers, or the cancellation of the whole or any part of the debt or obligations of Germany, shall be by unanimous vote.

In case of any difference of opinion among the delegates, which can not be solved by reference to their Governments, upon the question whether a given case is one which requires a unanimous vote for its decision or not, such difference shall be referred to the immediate arbitration of some impartial person to be agreed upon by their Governments, whose award the allied and associated Governments agree to accept.

Senator JOHNSON of California. That is the provision.

Senator MCCUMBER. I think the provision that the Senator from California [Mr. Johnson] refers to is article 234, found on page 251.

Senator JOHNSON of California. I recalled the provision, but it was not of sufficient importance to bother with it.

Senator MCCUMBER. Giving the right to cancel or not to cancel any part, except with specific authority of the Governments represented on the commission.

Senator JOHNSON of California. I thank the Senator. That was what I referred to—

Except with the specific authority of the several Governments represented upon the commission.

Mr. DAVIS. The last sentence in article 233 also bears on the same question:

If, however, within the period mentioned, Germany fails to discharge her obligations, any balance remaining unpaid may, within the discretion of the commission, be postponed for settlement in subsequent years, or may be handled otherwise in such manner as the allied and associated Governments, acting in accordance with the procedure laid down in this part of the present treaty, shall determine.

Senator JOHNSON of California. I am trying, you know, to form a picture if I can——

Mr. DAVIS. Yes, I know. I am interested, because we went through all of that.

Senator JOHNSON of California. I think I understand now much more clearly than I did before, that we have a bill against Germany that from the the standpoint of the American delegation is greater than Germany can pay; that it is now within the jurisdiction of the reparation commission, that that reparation commission has the power to do as it sees fit, but we will rely on its intelligence and its wise discretion to see that it will take from Germany only such sums as Germany is able to pay.

Mr. DAVIS. Yes.

Senator HITCHCOCK. Not simply our judgment, but it is stated in article 232, if Germany is incapable of paying the whole amount.

Senator JOHNSON of California. But in speaking to Mr. Davis concerning that particular provision he said that did not really have reference to the total bill that we are now speaking of, Senator.

Mr. DAVIS. Article 231 refers more to the moral responsibility.

Senator JOHNSON of California. That was the distinction he was drawing, I think, probably before the Senator from Nebraska came in; but I quite agree with you. As I said to Mr. Davis in the beginning of the examination to-day, I thought that provision of the treaty showed that the treaty itself recognized the very fact of which we are speaking.

Senator HITCHCOCK. I think it does.

Mr. DAVIS. It does.

Senator JOHNSON of California. Yes.

Mr. DAVIS. But it is not only a question of Germany's capacity to pay. It is also a question of how much the principal interested allied powers can afford to have Germany pay. Assuming that Germany could pay the total amount of her damage that will be assessed in the various categories, let us assume that that would be $40,000,000,000. Germany certainly could only pay that by developing a higher state of efficiency than they have ever had anywhere in the world before, and by restricting her imports to absolute essentials, which would exclude importations from France, especially, and would exclude many importations from England; and she would have to increase her exports very much to France and England and would have to find markets in other parts of the world; and in my judgment, if Germany could pay $40,000,000,000, by the time she has paid $10,000,000,000 or $15,000,000,000 of it those Governments will be wanting her to quit.

Senator HITCHCOCK. Is there some restriction placed on Germany in this treaty as to her legislating against imports?

Mr. DAVIS. For the first five years there is a clause against the restriction of imports from Alsace-Lorraine and from those segregated portions of Germany; and then for a certain period she shall not pass discriminatory legislation against imports from the allied powers.

Senator MCCUMBER. In other words, that she shall give each power the rights of the other powers?

Mr. DAVIS. Yes.

Senator MCCUMBER. The most favored-nation treatment?

Mr. DAVIS. Yes.

Senator HITCHCOCK. But if Germany is to make a very serious and radical effort to pay her debts rapidly she must in some way restric her imports?

Mr. DAVIS. Absolutely. She must go on a war basis and stay there.

Senator HITCHCOCK. And that will hurt her neighboring countries?

Mr. DAVIS. Decidedly. It is bound to, because the consumption power of the world is not going to increase so rapidly that Germany could do this without taking trade away from the other countries. Even before the war, in the height of her prosperity, Germany's actual commercial trade balance, that is her exports, amounted to $300,000,000 less than her imports. She covered that deficit by profits and other incomes, from her insurance companies and her mercantile marine, and from her investments abroad, and from remittances of Germans living abroad, which were estimated to run up to about $800,000,000 a year, which left Germany with a surplus of about $500,000,000 a year, most of which they invested in foreign countries.

Senator JOHNSON of California. I think, perhaps, you misstated that. You mean that her imports were greater than her exports?

Mr. DAVIS. That is right. I thought I said that. I said that her exports were $300,000,000 less than her imports.

Senator JOHNSON of California. Unless the reparation commission should agree on the amount due, it is a workable treaty?

Mr. DAVIS. You can not answer that yes or no, Senator. That goes back to the same point. Once that it was impossible to agree upon a fixed and a reasonable amount which Germany shall be compelled to pay, it became necessary to give more elasticity, more power, to the reparation commission to regulate the amount that would be collected in accordnace with Germany's capacity to pay and in accordance with what they could afford to have Germany pay. But in order to avoid any abuse, or forcing a large country of that kind to practically repudiate or forego the payment of obligations outstanding, we limited the amount which Germany should be actually called upon to take care of at present to 15,000,000,000 in bonds which are to be delivered, and that she shall never be called upon to deliver any more bonds until the reparation commission are unanimously of the opinion that she can take care of them.

Now, I can not conceive of an American representative on that reparation commission agreeing to have Germany deliver more bonds unless she is in a position to take care of them, because that is a matter that would concern the United States very much.

Senator JOHNSON of California. Is that not a matter that would concern Great Britain and France also?

Mr. DAVIS. I think so; very decidedly.

Senator MCCUMBER. Therefore, would not the same rules and reasons govern them that would govern the American delegates?

Mr. DAVIS. Absolutely. Suppose they threw this large country into international bankruptcy. The financial situation that would result would cost the world more, really, than what they expect to collect from Germany, and it would cost them more than anyone else.

Senator JOHNSON of California. Was there a specific sum fixed, I mean not definitely, but agreed upon as the amount that Germany ought to pay?

Mr. DAVIS. No; we could not agree upon that, Senator.

Senator JOHNSON of California. In round numbers, what did your experts agree upon?

Mr. DAVIS. Do you think it is advisable to state that? We have got to have negotiations afterwards with the Germans. I have no objection to it, but I am thinking about the advisability of stating it publicly, because they are to——

Senator MOSES. Is that contained in the memoranda to which you referred yesterday?

Mr. DAVIS. I am not positive.

Senator JOHNSON of California. I do not want to ask anything that ought not to be asked in that regard.

Senator MOSES. Is there any way we could get that—in executive session?

Mr. DAVIS. Yes.

Senator MOSES. I do not want to ask for it publicly, if you think it ought not to be so stated.

Mr. DAVIS. I would be glad to go into details with you.

Senator MOSES. Will you state that in executive session before the committee?

Mr. DAVIS. Yes; I will be glad to.

Senator JOHNSON of California. You drew a distinction between the fixed amount and a reasonable amount, did you not?

Mr. DAVIS. What I meant by that was that the amount should be a reasonable amount, that is an amount which Germany could be reasonably expected to pay. No one can tell, of course, just what they could pay within one generation.

Senator JOHNSON of California. What do you estimate the wealth of Germany to be? I understood you yesterday to say about 100 billions.

Mr. DAVIS. No; before the war I estimated Germany's national wealth at $75,000,000,000.

Senator JOHNSON of California. When you say $75,000,000,000, what do you put in that? Do you mean within the confines of the European Empire?

Mr. DAVIS. Yes; that means her colonies, too.

Senator JOHNSON of California. Her colonies, too?

Mr. DAVIS. Yes.

Senator JOHNSON of California. Her wealth now you estimate to be what?

Mr. DAVIS. That depends upon whether you estimate it upon the inflated currency or on the gold basis. Values have increased so that probably Germany's national wealth, according to the present prices, might probably be, I should say would be, $100,000,000,000, less the value of such deductions as may be made, and her colonies less the value of such deductions as Alsace-Lorraine and her colonies. Her colonies were not worth much.

Senator JOHNSON of California. The reason of my question was to begin after your deductions. The Saar Valley you estimated at what?

Mr. DAVIS. We estimated it at about $200,000,000.

Senator JOHNSON of California. And Alsace-Lorraine?

Mr. DAVIS. It is rather difficult. We did not get a specific estimate of Alsace-Lorraine, but the principal values, of course, are the ores there.

Senator JOHNSON of California. Yes.

Mr. DAVIS. But it was estimated at between 5 and 10 billions.

Senator JOHNSON of California. The amount that was taken from her in territory or in value would be about what?

Mr. DAVIS. My guess would be $15,000,000,000.

Senator JOHNSON of California. What would be the effect upon her of what has been taken from her, on her industries?

Mr. DAVIS. It will hamper her industries to a certain extent.

Senator JOHNSON of California. To a large or a small extent, or are you unable to estimate?

Mr. DAVIS. I am unable to estimate that; but she will still have access to the ores from Alsace-Lorraine, because France is dependent on Germany for certain ores, and they will have to have an interchange of ores. They will not be deprived of that.

Senator KNOX. If she gives 15 billions in bonds and 15 billions of territory, then she is giving 30 billions as the result of the war, is she not?

Mr. DAVIS. Practically; yes, sir.

Senator KNOX. She is getting no credit for the value of her colonies or for Alsace-Lorraine—those are taken from her—plus this 15 billions of bonds?

Mr. DAVIS. Practically so. There are some credits.

Senator HITCHCOCK. How do you estimate her colonies as being of so little value?

Mr. DAVIS. I say I judged—my estimate was made—that the territory taken from her would be about $15,000,000,000.

Senator HITCHCOCK. Were not her colonies worth anything?

Mr. DAVIS. As I say, they were not worth very much.

Senator JOHNSON of California. When you speak of the Saar Valley, do you mean all the uses of the Saar Valley for 15 years? Was that it?

Mr. DAVIS. That is what it was estimated at.

Senator JOHNSON of California. Not the actual capital value?

Mr. DAVIS. The actual mines and the properties that were taken over.

Senator JOHNSON of California. They came to what?

Mr. DAVIS. $200,000,000 at an estimate. That has not been fixed yet. The reparation commission is to fix that finally, but that is the estimate that was fixed at the time, approximately $200,000,000.

Senator HARDING. The use of that valley enters into the reparation payment?

Mr. DAVIS. That is credited to Germany's bill.

Senator HITCHCOCK. Did you make any estimate of what the German Government would save on account of the reduction of the army and navy expenditures as compared with prior to the war?

Mr. DAVIS. Yes; from $400,000,000 to $500,000,000 a year.

Senator HITCHCOCK. Are you estimating her prewar expenditures in that?

Mr. DAVIS. Her prewar expense was about $400,000,000 a year; and of course, theoretically, those materials and the labor would be devoted to industries, which would also increase her industrial output.

Senator JOHNSON of California. Did the American delegation take any particular position concerning the Saar Valley?

Mr. DAVIS. I was not on that commission, Senator, but the American delegation felt that it should be returned to Germany within, say, 15 years, or that the people would have a right to return to Germany.

Senator JOHNSON of California. Do I understand from that, that the provision for a plebiscite met the views of the American deletion in this treaty?

Mr. DAVIS. That is my impression; but, as I say, I was not on that commission.

Senator JOHNSON of California. So it would be futile to ask you concerning the details of that?

Mr. DAVIS. Yes; it would.

Senator JOHNSON of California. Do you know why it was that the reparation of Russia was reserved by the treaty?

Mr. DAVIS. There were several reasons. Russia had made a tremendous contribution toward winning this war before she went out of it, and it was felt that she had lost a great deal in the way of property and many lives, and it was felt that the door should not be closed entirely to Rusisa, once that her people have organized a government which can speak for them.

Senator JOHNSON of California. If finally a government shall be organized that will be recognized by the Allies, was it designed, as expressed by the commission, that Russia should be given reparation, too?

Mr. DAVIS. Yes.

Senator JOHNSON of California. That reparation would be very considerable, would it not?

Mr. DAVIS. Yes; it would.

Senator JOHNSON of California. So that that is another indeterminate sum that the reparation commission must consider?

Mr. DAVIS. Yes; but that would merely change the percentage of the division. It would not mean that any additional amounts would be collected from Germany, because Germany, irrespective of what the reparation commission may want to do, can not pay more. It is impossible to collect from Germany more than she can pay.

Senator HARDING. How could you do that, when the treaty provides that the reparation fund shall be divided into five parts?

Mr. DAVIS. I do not think it says five parts.

Senator HITCHCOCK. Each nation shall have certificates which can be divided into five parts.

Mr. DAVIS. It is divided among the allied and associated powers in proportion to the ratio that shall be determined.

Senator MOSES. Russia is not one of them, according to the treaty, Mr. Davis.

Mr. DAVIS. But the general opinion was that the principal allied and associated powers would allow Russia to participate in this of their own free will and accord. They feel that they have no right to exclude Russia; and France, especially, has many investments in Russia, and I believe that they would not object to Russia participating, although it would reduce France's percentage of participation.

The CHAIRMAN. Does not Russia get considerable reparation by having repudiated all her bonds?

Mr. DAVIS. They do not seem to have made very much by that yet, Senator.

The CHAIRMAN. They have saved the interest.

Mr. DAVIS. It may be accumulating. I doubt if any Russian Government will ever be recognized by the principal powers of the world unless it assumes those obligations which have apparently been repudiated.

Senator KNOX. Internal as well as external, you mean?

Mr. DAVIS. They would not be so much concerned with the internal. I do not know, Senator, about that.

Senator KNOX. Have they repudiated their internal obligations?

Mr. DAVIS. I am not positive.

Senator HITCHCOCK. No; I think not. Russia has not repudiated her internal obligations.

Senator KNOX. It depends altogether on what you call "Russia." This Bolshevik government has.

Senator HITCHCOCK. I think they made some exception when they made their proclamation, in favor of their internal obligations, certainly during certain periods.

The CHAIRMAN. They have repudiated the exterior debts, have they not?

Mr. DAVIS. They have—especially Trotski—signified their willingness to recognize their obligations.

Senator WILLIAMS. But they do not pay.

Mr. DAVIS. No; they do not pay.

Senator WILLIAMS. They did that when they wanted to negotiate.

Senator HITCHCOCK. Have you any idea why it was provided that each of these certificates should be divided into five parts? Why was the number five selected?

Mr. DAVIS. We rather favored, at first, having only one certificate issued to each Government, really a trust certificate showing its ownership in an undivided amount of bonds; but some of the countries, especially France, rather wanted those in smaller denominations, thinking that they might be able to use them, either to offset some other debt or to pledge them at their bank for additional credits, and so we finally agreed that they should have as many as five certificates, but that those should be in such large units that it would avoid any danger of having them get into the hands of the public; because there are two ways of looking at that. In the first place, assume that certificates were endorsed by a responsible government like France or England, who would have the largest units, and then assuming that they might be sold to a syndicate as Senator Moses thought might happen, then if that syndicate should issue debenture, against that certificate, there would not be the danger attached to it, because there would be an additional security back of it, by the endorsement of the French Government, and it would not increase the amount of securities floating in the world, or that would otherwise have been issued, because they would be used to take up some other obligations, or to take the place of obligations which would otherwise have been issued to meet their requirements; and assuming that one of the Governments might be a bankrupt Government, and that it should sell its certificates to speculators, it is rather difficult to conceive it as a fact that investors would purchase debentures issued against an ownership certificate representing bonds which the reparation commission had felt were not safe enough to distribute. I can not imagine any intelligent investor purchasing a debenture of that kind.

Senator HITCHCOCK. Do I understand you to say that the amount of these bonds represented by these certificates in the aggregate is $15,000,000,000?

Mr. DAVIS. Yes; that is the amount of the original——

Senator HITCHCOCK. Deposit?

Mr. DAVIS. Deposit, except the additional amount which will be issued to Belgium, which would possibly not exceed $900,000,000 or a billion.

Senator JOHNSON of California. Is it not a fact that Europeans have been fed up upon the idea of a tremendous bill, and that is the reason that the thing is there left indefinite?

Mr. DAVIS. Their people have expected a great deal.

Senator JOHNSON of California. That is the reason you speak of the reason for certain indefinite provisions of the treaty being political?

Mr. DAVIS. Well, I hardly know how to answer that, Senator.

Senator JOHNSON of California. You used that term several times yesterday.

Mr. DAVIS. Yes.

Senator JOHNSON of California. What did you mean when you used that term "political"?

Mr. DAVIS. I mean that the people in Europe are still shell shocked.

Senator JOHNSON of California. I think you can include us, too.

Mr. DAVIS. And they have been carrying tremendous burdens, and they have expected to get a certain relief from those burdens, and they were in different ways led to believe that Germany would assume a great portion of those; and they were even led to believe that they would collect from Germany even more than the amount of Germany's bill which will be defined under the categories; and it will take some time, probably, for them to realize how much Germany can pay and how much they really can afford to have Germany pay.

Senator JOHNSON of California. And for that reason, for the reason that you state, the matter was left in indefinite shape?

Mr. DAVIS. That was probably one of the reasons why we could not come to a satisfactory agreement for fixing a definite amount.

Senator HARDING. Now, getting back for a moment to the question which I asked you in rather unhappy language: Referring to article 237, in which it is provided that these payments by Germany shall be divided by the allied and associated powers into portions which have been determined upon by them in advance, has there been any determined amount for Russia?

Mr. DAVIS. No; there has not been for anybody yet.

Senator HARDING. What does it mean, then, when it says "have been determined upon"?

Mr. DAVIS. That seems to be a rather unfortunate wording.

Senator BRANDEGEE. It means "which shall have been determined upon," does it not?

Mr. DAVIS. Yes; that is what it does mean, as I recall now.

Senator WILLIAMS. It speaks of the date of the ratification of the treaty.

Senator HARDING. That is not clear to me. It says, "which have been determined upon."

Senator MOSES. "Seront repartis" is the French future.

Mr. DAVIS. It means "which shall have been determined upon," but this practically means not to divide it until you do determine what the division shall be and that has not been determined and will have to be determined yet.

The CHAIRMAN. As a matter of fact, it has not been determined.

Senator MOSES. We seem to get that from every witness.

Senator JOHNSON of California. How long do you think it will take to determine what each country claims?

Mr. DAVIS. The first claims, tentative claims, of the various Governments I believe have all been filed now, but they are subject to revision. It was estimated that it would probably take two years to agree upon the final amount of the claims of the respective Governments.

Senator JOHNSON of California. The determination to be made, of course——

Mr. DAVIS. By the Reparation Commission.

Senator JOHNSON of California. Yes; and there is no appeal from their decision?

Mr. DAVIS. No.

Senator JOHNSON of California. They determine just exactly what shall be levied upon Germany in the future, and then levy it?

Mr. DAVIS. Well, within those specified categories.

Senator JOHNSON of California. Yes; of course.

Mr. DAVIS. And Germany has an opportunity to be heard on that.

Senator JOHNSON of California. Yes.

Senator PITTMAN. You stated, in answer to Senator Johnson, that one of the reasons was a so-called political reason. What were the other arguments raised by the other powers against fixing a definite amount?

Mr. DAVIS. Some of them argued that no one could tell now what Germany would be able to pay in 30 years.

Senator PITTMAN. Is that true?

Mr. DAVIS. Oh, yes; that is true. No one can tell exactly what they can pay. It depends on so very many things. It depends upon their labor conditions, upon their markets, upon their industrial efficiency, and upon the financial situation throughout the world, and many other factors.

Senator PITTMAN. If you had fixed an amount it would have had to be an arbitrary amount?

Mr. DAVIS. It would have had to be.

Senator PITTMAN. And well within the powers of Germany to pay?

Mr. DAVIS. Within the reasonably estimated powers.

Senator PITTMAN. It would probably have been much less than she could pay?

Mr. DAVIS. Yes; there was some danger of that.

Senator MOSES. Who estimated the American claims that were filed?

Mr. DAVIS. Mr. Vance McCormick represented us on the subcommittee of the reparation commission which had charge of ascertaining the claims of the various Governments under the various categories.

Senator JONHSON of California. Does the treaty leave Germany in a position to indulge in any commerce—I do not mean internal?

Mr. DAVIS. Oh, yes; I think so.

Senator JOHNSON of California. Is there any sufficient number of ships by which she could?

Mr. DAVIS. Germany will not have many ships. She will be practically in the same position that the United States was in before the war; she will have to hire her ships, unless the allied and associated powers decide that it is advisable to let her retain enough of her ships to meet her own requirements until she can build others to replace them.

Senator JOHNSON of California. Has not the reparation commission control over her commerce?

Mr. DAVIS. For the first three years they have control over her shipbuilding output, up to a certain amount.

Senator JOHNSON of California. They have substantial control over her industrial life and her commerce, too, have they not?

Mr. DAVIS. They will have considerable control for the first two years. After that I think that we will have no control whatever to speak of, provided Germany is in good faith endeavoring to comply with her obligations, except that others will have a call on a certain amount of Germany's coal.

Senator JOHNSON of California. France alone?

Mr. DAVIS. Well, that principally goes to France.

Senator JOHNSON of California. Does it not go to Belgium largely also?

Mr. DAVIS. A very small quantity of it. Mostly it goes to France, I think. I was not on the economic commission, but that is substantially correct.

Senator JOHNSON of California. I do not want to trouble you about those things that you are not thoroughly familiar with.

Senator MOSES. Annex III, page 277, reads as follows:

The German Government, on behalf of themselves and so as to bind all other persons interested, cede to the allied and associated Governments the property in all the German merchant ships which are of 1,600 tons gross and upward.

Mr. DAVIS. I say they do. But it is possible that the allied and associated powers will determine that it is advisable to let Germany retain, under some kind of conditions, say one-third of her mercantile marine to meet her requirements.

Senator MOSES. Do you regard that question as likely to arise?

Mr. DAVIS. I say that while under this Annex III, paragraph 1, the allied and associated powers take over all the German ships with the exception of those under 1,600 tons, after that Germany will either have to go into court and charter ships, as the United States did before the war, or the allied and associated powers may decide that it is good business, as I think it will be myself, to let Germany retain, say, one-third of those ships or those contracts to meet their requirements.

Senator MOSES. That involves a modification of the treaty, does it not?

Mr. DAVIS. Not necessarily; it does not involve a modification of the treaty.

Senator JOHNSON of California. In respect to shipping, does it not?

Mr. DAVIS. No, sir; the allied and associated powers can take those ships over and then recharter them to Germany on such a basis that Germany could run them with her own crews and pay in her own currency.

Senator JOHNSON of California. I do not mean that; but I thought you said the reparation commission could permit her to have a certain number of ships.

Mr. DAVIS. If I did, that was a mistake.

Senator JOHNSON of California. I probably misunderstood you.

Senator HITCHCOCK. Mr. Davis, what factors were taken into account in estimating Germany's ability to pay? Can you give them briefly?

Mr. DAVIS. The first definite thing we had to go on is what Germany could have paid before the war when she had all of her capital intact. Assuming that she maintained the same efficiency and the same industrial output as before the war, Germany could pay at least $500,000,000 a year; and by cutting off her navy and army I figure that she could have increased that probably by $400,000,000 or $500,000,000 a year, assuming that she could have found a market for her excess output. But Germany has been deprived, or has spent a great deal of her foreign investments—disposed of them—and she will not have that income of $500,000,000 a year from her mercantile marine and her investments abroad. That will be considerably reduced.

Senator HITCHCOCK. Did you, for instance, take into account the ability of her national government to levy taxes? Is there a limit to that, which was ascertained in any way?

Mr. DAVIS. No; because that really has very little relation to her capacity to pay in foreign currency.

Senator HITCHCOCK. Was any attempt made as to the amount of taxation the national government would be compelled to levy?

Mr. DAVIS. Germany paid her war expenses practically from the flotation of loans, instead of from taxation. They increased their taxes practically nothing during the war.

Senator HITCHCOCK. And issued additional currency?

Mr. DAVIS. Issued additional currency and bonds; and in order now to cover the interest and sinking fund on those bonds and to meet their increased expenditure, Germany will undoubtedly be compelled to increase her taxation very greatly, and probably it will reach 75 per cent of what the taxes are in France to-day, at least that much, and probably 100 per cent of the taxes in France, and I think it will probably be more, assuming that she does not levy a capital tax, which she is proposing to do.

Senator HITCHCOCK. I have seen the statement that Germany's national taxation would have to be approximately six times as much as it was prior to the war.

Mr. DAVIS. Yes, I think it will; but it was only about 9 per cent—it was very small in proportion to her requirements during the war.

Senator HITCHCOCK. Is it expected that Germany will make an effort to keep up the interest on her domestic bonds?

Mr. DAVIS. Yes.

Senator HITCHCOCK. It is expected that she will do that?

Mr. DAVIS. There is one school in Germany which seems to favor levying a capital tax of 30 per cent right away.

Senator HITCHCOCK. All payable in one year?

Mr. DAVIS. Yes, payable in rather short installments.

Senator KNOX. That would be payable in their securities.

Mr. DAVIS. Yes, that just simply reduces their internal obligation.

Senator KNOX. By a repudiation of a third of the debt?

Mr. DAVIS. That is just a nice way of repudiating it.

Senator HITCHCOCK. Then what would she do with regard to her expanded currency?

Mr. DAVIS. That is one of her great problems. There are two ways in which she might do that, of course. Germany could levy a special tax payable in currency and then just as soon as she collects that tax cancel that currency. That is probably the only practical way in which she can decrease that tremendous inflation.

Senator HITCHCOCK. I saw a statement that whereas she had something more than $600,000,000 in her Reichsbank, more than half of it had disappeared since the armistice.

Mr. DAVIS. Yes, that was to pay for food. We got a good deal of that.

Senator HITCHCOCK. Is she going to be able to keep any gold at all?

Mr. DAVIS. I think she will be able to keep the balance of her gold.

Senator HARDING. I note that the treaty takes all of the German merchant marine above 1,600 gross tons, and one-half of the shipping of between 1,000 and 1,600 tons, and one-quarter of the vessels of less capacity, and then demands of Germany the building of 1,000,000 tons of shipping in the next five years.

Mr. DAVIS. Yes.

Senator HARDING. That, of course, runs into the hundreds of millions of dollars.

Mr. DAVIS. Yes.

Senator HARDING. Does that become a credit on the $15,000,000,000 about which you have been talking?

Mr. DAVIS. Yes.

Senator SWANSON. I understood you to say that the taxes in Germany were estimated to be about six times what they were before the war—that that would be necessary.

Mr. DAVIS. Yes.

Senator SWANSON. You said the taxes were 9 per cent before the war. Do you mean upon aggregate earnings——

Mr. DAVIS. I meant 9 per cent of their governmental requirements—their expenditures during the war.

Senator SWANSON. Do you mean that her taxes amounted to about 90 per cent of her aggregate increase in wealth?

Mr. DAVIS. No; I understand that 9 per cent of her war cost was paid by taxation.

Senator SWANSON. That was during the war?

Mr. DAVIS. Yes; and that she paid 91 per cent of the cost of the war from additional currency and loans.

Senator SWANSON. What was her rate of taxation on her earning capacity before the war?

Mr. DAVIS. I can't tell you that, Senator. I have forgotten. I have that somewhere.

Senator WILLIAMS. Of course Germany could get gold by making part or all of her taxes payable in gold, just as the United States for years after the Civil War made her customs dues all payable in gold.

Mr. DAVIS. She might collect her customs dues in gold.

Senator WILLIAMS. Yes.

Mr. DAVIS. Theoretically, yes; but I think Germany has scraped up every piece of gold she can find in that part of the world, and I do not know where the people would get the gold with which to pay.

Senator WILLIAMS. They would have to buy it, just as our people did when they paid customs dues for years after the war. Part of the time they had to pay 25 or 35 per cent premium to get the gold, but they had to pay it.

Senator HITCHCOCK. We could do that because we were exporting great excesses, but Germany has no excess exports.

Senator WILLIAMS. She will have as soon as she gets back into the trade of the world.

Senator HITCHCOCK. If she gets gold she has got to get it from other countries though.

Senator JOHNSON of California. Were the reparation clauses the result of compromises among the representatives of the different governments?

Mr. DAVIS. They were a compromise. That is, they did not represent the complete views of any one government.

Senator MOSES. I understood you to say that the ships which Germany is to deliver are to be credited against the $15,000,000,000 in bonds?

Mr. DAVIS. They go into the reparation.

Senator MOSES. Or are they to be credited against the total sum of damages?

Mr. DAVIS. Of course theoretically they are to be credited against the total amount of her reparation bill, but they go to the reparation commission, and the reparation commission has to take what comes to it and apply it first to the payment of the interest and sinking fund on the bonds in its possession.

Senator MOSES. Do you know, and if so, are you at liberty to state, the amount of claims filed by Mr. Vance McCormick and Col. House on behalf of the United States?

Mr. DAVIS. They have not filed a claim yet. An estimate of what our damage would amount to has been filed.

Senator MOSES. It amounts to the same thing, does it not?

Mr. DAVIS. No, a very different thing. In other words, an estimate was made as to what our claims would amount to if we filed them, and what the claims of each government would amount to under the specific categories, but some of these will be challenged by some of the governments, because they may not be in entire accord with the categories.

Senator MOSES. Do you know and do you feel at liberty to state the amount of estimated claims filed by Mr. McCormick and Col. House?

Mr. DAVIS. We did not file any claim at all. The estimate as I recall——

Senator MOSES. Let us not have any mistake about terminology. I mean the amount of the estimate of our damage, if that is the correct phrase.

Mr. DAVIS. That would be a correct phrase. I do not recall definitely, and I should prefer not to give any figure on that.

Senator MOSES. Is that in any of the minutes of the commission?

Mr. DAVIS. Oh, yes; that will be in subcommitte No. 1 of the reparation commission.

Senator MOSES. Can you tell us what minutes we should ask for in order to be fully informed? There are the minutes of the economic commission——

Mr. DAVIS. The minutes of the economic commission.

Senator MOSES. Did they have any subcommittees?

Mr. DAVIS. No, I believe not. I was not on that commission, but I think it did not have any subcommittees. Of course the results of the decisions of those committees are in the peace treaty.

Senator MOSES. Oh, no, because our estimated damage is not in there.

Mr. DAVIS. But they have provided here that we can file our claims. You mean our estimate of damage is not in the treaty?

Senator MOSES. That is what I mean.

Mr. DAVIS. That is true. That is not in here. Mr. McCormick can give you that.

Senator KNOX. Is he in this country now?

Mr. DAVIS. Yes.

Senator FALL. Did Germany make counter propositions with reference to the payment of a fixed sum?

Mr. DAVIS. Yes.

Senator FALL. What was that amount?

Mr. DAVIS. Germany proposed to pay 100,000,000,000 marks.

Senator FALL. How much would that amount to in dollars?

Mr. DAVIS. It would amount to approximately $24,000,000,000, but there were many ifs and many deductions about that. Germany said "We will pay 100,000,000,000 marks," but that was a total sum including interest which they would pay over a period of 30 or 35 years; which, capitalized, would probably amount to $10,000,000,000 or $12,000,000,000. Then they said, "This is also on condition that such and such deductions are made." They were even to be credited with the war material which we took from her, and I estimated that this so-called offer of Germany of 100,000,000,000 marks amounted to about $7,500,000,000 or $8,000,000,000 capitalized.

Senator FALL. When you began to consider this proposition of reparation you had one of two alternatives, had you not? In the first place you had to treat Germany as a going business concern in dealing with her from a business and financial standpoint.

Mr. DAVIS. Yes.

Senator FALL. Then, in estimating the amount of reparation which she could pay—not the amount which was claimed from her but how much she could pay—you had also to take into considertaion the question as to whether she should be made to pay it, which would mean practically the liquidation of Germany as a business concern, or whether she should be allowed to pay some of the damage and to continue as a going business concern. Those were the alternative propositions?

Mr. DAVIS. Yes, we had to look at it from all those angles. Some people thought we should be able to take everything Germany had, and then collect a great deal more from her afterward.

Senator FALL. If you were to take everything she had, you could, of course, have cashed her in for more than $15,000,000,000, possibly.

Mr. DAVIS. I doubt that. If you had taken everything she had which you could get away with, I doubt it.

Senator FALL. Then, in taking $15,000,000,000 you did take everything that she could pay?

Mr. DAVIS. I do not understand you.

Senator FALL. If you could not have stopped her practically as a going concern and cashed her in for more than $15,000,000,000, then in your estimate of $15,000,000,000 you did go to the limit of her ability to pay.

Mr. DAVIS. I may seem to be a little slow but I do not quite understand you.

Senator FALL. Then I will put it in another way. You and the delegates representing the different governments had different views as to how much Germany could pay and how she should pay?

Mr. DAVIS. Yes.

Senator FALL. The United States not being interested largely in reparations, was interested in keeping Germany as a going concern with whom she could continue to do business.

Mr. DAVIS. Decidedly.

Senator FALL. Great Britain was a great commercial competitor of Germany, was she not?

Mr. DAVIS. Yes.

Senator FALL. She was just about as much interested in keeping Germany to the lowest limit as a competitor as she was in deriving immediate advantage from reparation, was she not?

Mr. DAVIS. My impression was that the majority of the British delegation felt that it would be very much better for England commercially to have Germany continue as a going concern, because Germany is a market for British products.

Senator FALL. That is, you mean Germany herself, Germany in Europe is a market for British products?

Mr. DAVIS. Yes.

Senator FALL. Now you spoke of the German colonies being worthless to Germany as a government in so far as Germany getting any returns from them?

Mr. DAVIS. I think they were worth very little to the German nationals as a commercial outlet.

Senator FALL. Will they be worth any more to Great Britain?

Mr. DAVIS. I think not.

Senator FALL. You think they will be practically worthless?

Mr. DAVIS. Yes.

Senator FALL. Then you think all the billions of dollars that Great Britain has spent in Africa are a worthless investment?

Mr. DAVIS. Not at all, but I think the British possessions in Africa are much more valuable than the German territory.

Senator FALL. Germany has spent very large amounts of money in her African colonies, has she not?

Mr. DAVIS. I do not know just how much she has spent there.

Senator FALL. You were speaking of German investments abroad. Did you investigate her investments on this hemisphere?

Mr. DAVIS. We did, to the best of our abilities.

Senator FALL. Of course you had information from the custodian of her investments in the United States?

Mr. DAVIS. Yes.

Senator FALL. Did you ascertain approximately the investments held by German nationals, and directly or indirectly through German nationals by the German Government in Brazil?

Mr. DAVIS. Yes; but I have forgotten the exact amount. As I recall, their investments in Brazil were something like about $500,000,000.

Senator FALL. And in Chile?

Mr. DAVIS. In Chile they were smaller. I think our estimate of Germany's total investments in South America was $1,000,000,000.

Senator KNOX. Did that include Mexico?

Mr. DAVIS. No; I said South America. That did not include Mexico. In Mexico I believe her investments were about $250,000,000.

Senator BRANDEGEE. Do all those estimates appear in the notes of your commission?

Mr. DAVIS. Yes; in some of our records.

Senator FALL. Was the German Government, through its financial agents, interested largely in those investments?

Mr. DAVIS. As nearly as we could gather, the German Government was not directly interested—that is, it had no monetary interest.

Senator FALL. It did not finance them?

Mr. DAVIS. No.

Senator FALL. Several of the German banks supported by the German Government or in which the German Government was interested did have an interest in those investments?

Mr. DAVIS. Yes.

Senator FALL. Do you know who owned the manganese deposits in Brazil?

Mr. DAVIS. No; I do not.

Senator FALL. You do not know whether they are in the hands of Germany or not?

Mr. DAVIS. No.

Senator FALL. You do not know whether German citizens continued during this war and up until the time of the armistice to make investments in mines, gold, oil, iron, and manganese?

Mr. DAVIS. I do not; but from my general knowledge I should say they did it very little, if at all.

Senator FALL. That is during the latter part of the war, or during the war?

Mr. DAVIS. Certainly very little after we came into the war.

Senator SWANSON. There has been some discussion in the committee and also in the hearings regarding the obligation that the United States will assume under article 254, which provides for the apportionment of the public debt of Germany, especially with reference to the city of Danzig and Memel. What is your idea as to the obligations assumed by us and the other allied powers under that section?

Mr. DAVIS. I understand that refers to the powers which finally take over this German territory. Now, as to Danzig, and as I recall Memel and Schleswig, Germany renounced its rights to those territories.

Senator KNOX. No; the language is "ceded" to the principal allied and associated powers.

Mr. DAVIS. Well, let us see. This says specifically in the case of Memel:

> Germany renounces in favor of the principal allied and associated powers all rights and title over the territories included between the Baltic, the northeastern frontier of East Prussia as defined in article 28 of Part II (Boundaries of Germany) of the present treaty, and the former frontier between Germany and Russia.

Germany undertakes to accept the settlement made by the principal allied and associated powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants.

That is article 99.

Senator KNOX. I was mistaken. It says "renounce" instead of "cede."

Mr. DAVIS. It seems to me that clearly indicates that the allied and associated powers are not to take this property definitely from themselves, and under article 107, in regard to Danzig, it says:

All property situated within the territory of the free city of Danzig belonging to the German Empire or to any German State shall pass to the principal allies and associated powers for transfer to the free city of Danzig or to the Polish State as they may consider equitable.

Article 108:

The proportion and nature of the financial liabilities of Germany and of Prussia to be borne by the free city of Danzig shall be fixed in accordance with article 254 of Part IX (Financial clauses) of the present treaty.

All other questions which may arise from the cession of the territory referred to in article 100 shall be settled by further agreement.

That very clearly indicates that the debt is to be borne by Danzig and not by the allied and associated powers.

Now article 254——

Senator KNOX. That is where it uses the word "ceded."

Mr. DAVIS. Article 254 agrees with those. At any rate it will be finally ceded. Of course this is a legal question, and I am not a lawyer; but my interpretation of this is that the allied and associated powers are practically given a power of attorney by Germany to dispose of this property finally to some one else, but they say that their power is limited to the transfer, to the city of Danzig and to Poland, as they may determine. Now article 257 says:

In the case of the former German territories, including colonies, protectorates, or dependencies, administered by a mandatory—

If this goes to the city of Danzig, it would be a mandatory that would take charge of it—

Under article 22 of Part I (League of Nations) of the present treaty, neither the territory nor the mandatory power shall be charged with any portion of the debt of the German Empire or States.

In other words, if that goes to the free city of Danzig there is no financial responsibility, but if it goes to Poland there would be financial responsibility, and it would only be transferred to Poland in case the Polish Government assumes its responsibility for its proportionate share of the German prewar debt.

Senator KNOX. Now it is all very interesting to gather up three or four different sections and from those sections propound a theory that disposes of the plain language of the treaty; but the plain language of article 254, which purports to indicate the terms and basis upon which this territory is ceded, says:

The powers to which German territory is ceded shall, subject to the qualifications made in article 255, undertake to pay—

And those qualifications have reference only to Poland and Alsace-Lorraine.

Mr. DAVIS. Yes.

Senator KNOX. That is, the powers to which the territory is ceded shall undertake to pay?

Mr. DAVIS. Yes.

Senator KNOX. Now there is nothing more clear in all kinds of law than that there is a difference between accepting a transfer of property that is subject to a debt, in which case the transferee is not liable, like, for instance, purchasing a piece of property subject to a mortgage. You are not personally responsible for that mortgage; but if you personally undertake to pay the mortgage, if there is a covenant in the deed that requires you to pay the mortgage, you can not get rid of that covenant by a transfer to somebody else, like you could if you only took it subject to the debt.

Mr. DAVIS. Yes.

Senator KNOX. So that whatever the purpose may have been, there is not a particle of doubt in my mind that article 254 makes the allied and associated powers personally liable for the portion of the debt of Germany that applies to Danzig and Schleswig and Memel.

Senator HITCHCOCK. But those are not ceded to us. They are ceded to Danzig and to the local nations there. They are renounced to us but not ceded to us.

Mr. DAVIS. It would be presumptuous for me to undertake to argue a legal question, not being a lawyer.

Senator KNOX. But Germany renounces, and that is the same thing.

Mr. DAVIS. That is very clear but I do not like to argue a legal question.

Senator KNOX. I do not think it is really a very practical question, for this reason: I have no doubt that the territory is worth more than the proportion of the debt.

Mr. DAVIS. Yes.

Senator KNOX. And of course when we do turn it over to the free city of Danzig, and they ultimately get this property, we will make them assume that portion of the debt?

Senator SWANSON. But, Senator, must not this article be read in connection with the other articles he has enumerated, and must they not all be construed together, being part of the same instrument?

Senator KNOX. If I were presenting this to a court I would not make that concession.

Senator HITCHCOCK. You do not find anywhere that they are ceded to France, Great Britain, and the United States?

Senator KNOX. Yes.

Senator HITCHCOCK. I would like to see where it is.

Mr. DAVIS. In article 107, where they renounce in favor of the allies and associated powers for the purpose of being transferred by them, or to be ceded by them really to Danzig and Poland. I think it is very clear that it is not a cession to them of ownership, because if it were they would not have to say here what they propose to do with it. If it is a transfer of sovereignty and territory, that settles it right there.

Senator KNOX. That is the highest expression of ownership.

Senator WILLIAMS. It is under certain conditions, which are prescribed in the instrument.

Mr. DAVIS. Yes.

Senator SWANSON. You are satisfied that under article 254 in connection with the other articles we assume no liability in connection with this debt?

Mr. DAVIS. Yes.

Senator JOHNSON of California. Just one question in conclusion. In order to make this a workable treaty it will be necessary for the reparation commission within a reasonable period to fix a definite amount?

Mr. DAVIS. I think it will work very much more satisfactorily if they do that immediately, or in the near future, because I think in that case the obligation issued by Germany in a definite amount could serve as a basis of credit for the financial rehabilitation of Europe.

Senator JOHNSON of California. The fact of the matter is, that is necessary, is it not, in your opinion, in order to make a workable treaty?

Mr. DAVIS. I think it will work if that is not done, but I do not think the other countries will get the benefit out of it that they would if a definite amount is fixed.

Senator JOHNSON of California. And if they do not fix a definite amount, is it not likely to result in chaos and a financial crash?

Mr. DAVIS. No; but there will always be a shadow over the financial situation of Europe until the policy of the reparation commission is settled and they know exactly what they have got to do.

Senator JOHNSON of California. Do you think that ought to be done at the earliest possible moment?

Mr. DAVIS. I think it is advisable to do so, but I do not think it is necessary to do so to make this treaty workable.

Senator SWANSON. In that connection, will you be kind enough to state to the committee what is the financial situation in Europe that makes it necessary for this reparation commission and treaty to become operative within a reasonable time?

Mr. DAVIS. Europe, of course, is in a rather difficult situation now. The laborers for four or five years have been withdrawn from their ordinary pursuits of life and the employers of labor have had their initiative taken away from them, the Government having had to take over everything and control it in order to win the war. Certain countries are short of raw materials. But their difficulty there at present is more due to a state of mind than anything else. With us the war terminated apparently with the signing of the armistice. It did not terminate in Europe upon the signing of the armistice. The people are very restless. There is not a sufficient confidence in credit to-day, and this war will not be terminated in the minds of Europe until this treaty is really ratified. They are expecting a great deal from it. They really are expecting a great deal from the league of nations, and it is really a psychological treatment that they need as much as anything else, and my opinion is that while the ratification of the treaty will not solve all of the European problems, it will contribute very much toward correcting this state of mind.

Senator WILLIAMS. It will make a whole lot of people think they are solved.

Mr. DAVIS. It will have a wonderful effect in that respect, and I think if it is not ratified it will have a serious financial and industrial result.

Senator FALL. When will this reparation commission cease to function?

Mr. DAVIS. That is not definitely settled, Senator, for there is a provision made—I mean tentatively, in the interchange of notes with Germany—that if Germany would make a proposition within four months they would endeavor to come to a definite agreement with Germany within two months thereafter, and it is probable that in this agreement thay may provide for a practical elimination of the reparation commission if they agree upon a definite, reasonable amount. There is practically nothing else to be done except for Germany to issue these bonds.

Senator FALL. That was a concession made by Clemenceau to the counterproposal of Brockdorff-Rantzau, in which he expressed his opposition to some of the points made.

Mr. DAVIS. They are all anxious to do this. The British and French realize the financial importance of it.

Senator FALL. So far as the provisions of this treaty are concerned, this commission will continue to function as a governing board for an indefinite period of time unless something like that is arrived at.

There is another question I want to ask with reference to the surrender of these ships. You said that any nation might recharter to Germany some portion of its marine which it took over.

Mr. DAVIS. Yes.

Senator FALL. Could either nation recharter its proportionate number of ships without the consent of the others?

Mr. DAVIS. Yes.

Senator FALL. For instance, could the United States recharter its ships for trade between the United States and Germany, the ships which it received from Germany, for German-American trade, without the consent of the other nations or the reparation commission?

Mr. DAVIS. Absolutely; and they can charter additional ships.

Senator FALL. For their own trade?

Mr. DAVIS. Yes. Or for any use they want to make of them.

Senator JOHNSON of California. You said in answer to Senator Swanson—and I go into the question only because you mentioned it yourself—that they were expecting a good deal in Europe from the league of nations. Who? Who are expecting a great deal?

Mr. DAVIS. The people.

Senator JOHNSON of California. What people?

Mr. DAVIS. Of those countries.

Senator JOHNSON of California. You mean the French people?

Mr. DAVIS. Yes.

Senator JOHNSON of California. And is that the reason for asking a special alliance with France?

Mr. DAVIS. No. My impression is now—I may not be competent to pass upon it, because the President——

Senator JOHNSON of California. I refrained from asking the question because I did not want to involve you in a discussion of the league of nations, but you mentioned it. That is the only reason I mentioned it to you.

Mr. DAVIS. The French people themselves, I think, were not so much concerned about an alliance with the United States as the French leaders were. My impression was that they wanted this alliance to become effective pending the period in which the league of nations begins to function satisfactorily.

Senator NELSON. When was it you left France?

Mr. DAVIS. I left France when the President did, the 28th of June.

Senator JOHNSON of California. Are you not aware that there has been a great change in the sentiment of the French people with respect to the league of nations?

Mr. DAVIS. No.

Senator JOHNSON of California. Do you know whether there has been any change of sentiment in England respecting it?

Mr. DAVIS. I have not seen anything that would lead me to believe that there has been.

Senator JOHNSON of California. Did you know that when there was mention of it by Lloyd-George in Parliament there was laughter all around?

Mr. DAVIS. No; is that true?

Senator JOHNSON of California. I have seen it in the press dispatches. Half the benches laughed and half applauded.

Senator HITCHCOCK. And yet it has been denounced as a British league.

Senator JOHNSON of California. One voice denounced it as a British league.

Senator KNOX. They could appreciate a joke even if it was on themselves.

Senator HARDING. Which is rather unusual.

Senator JOHNSON of California. Exactly.

Senator HITCHCOCK. Laughter would indicate that it is not a British league.

Senator JOHNSON of California. On the contrary, the joke was on us and they had the laugh.

The CHAIRMAN. Lloyd-George, in his speech, asked them to take it seriously.

Mr. DAVIS. They approved the treaty by a large majority and the league of nations is an integral part of the treaty.

Senator JOHNSON of California. Did Lloyd-George say that he had increased by 800,000 square miles the extent of English territory? I do not care to get into a discussion of the subject, but you volunteered the opinion.

Mr. DAVIS. I was answering Senator Swanson's question in accordance with my own judgment.

Senator JOHNSON of California. But you know an alliance has been asked from us, and I thought I would call your attention to that as indicating that probably there was not now the same situation existing there that may have been in the early days of the treaty negotiation. That is all.

Senator BRANDEGEE. Mr. Davis, I understood you to say in reply to Senator Johnson that the people over there want the league of nations; that all the peoples want it. Do you consider yourself competent to express an opinion about all the peoples?

Mr. DAVIS. Not at all. I said that that was my impression, that the great majority of the people wanted it, and were expecting a great deal from it.

Senator BRANDEGEE. How did you, sitting simply as a financial expert in Paris, get an impression which is worth anything as to the opinion of the majority of all the nations in Europe?

Mr. DAVIS. Well, of course, if you are a financial expert it does not necessarily exclude you from taking note of other things.

Senator BRANDEGEE. But it confines you to one place.

Mr. DAVIS. I was not in Paris all the time.

Senator BRANDEGEE. I will take your own word for it, do you consider yourself competent now to inform this committee that all the peoples of Europe are in favor of the league of nations now?

Mr. DAVIS. I can certainly say that I took a great deal of interest in studying the state of mind of the people in Europe, and I was on the supreme economic council which had to deal with all those transitory questions during the armistice.

Senator BRANDEGEE. How many people are there in Europe?

Senator FALL. I would like to let him answer the question.

Senator HITCHCOCK. I think, Mr. Chairman, the witness ought to be given a chance, and not be cross-examined as a criminal.

Senator BRANDEGEE. I am not interested in what the Senator from Nebraska thinks.

The CHAIRMAN. Come to order. The Senator has the right to cross-examine the witness.

Senator WILLIAMS. And the witness has a right to answer.

The CHAIRMAN. Yes; I thought he had.

Senator BRANDEGEE. I want to know what opportunity the witness had to ascertain the opinion of the majority of the nations of Europe.

Senator FALL. And he was answering that question when cut off.

Mr. DAVIS. I was trying to answer and trying to tell you what I found. As I stated, I was on the supreme economic council which had charge of all transitory measures during the armistice period; that is, all the questions relating to food, finances, blockade, raw materials, and shipping. Under this there was the relief organization of which Mr. Hoover was the head, and he also sat on the supreme economic council. He had his representatives throughout Europe in charge of the distribution of relief. They had excellent opportunities to come in contact with the people and to gauge their views, and the unanimous report from all of those several hundred men going through the whole of Europe was to that effect. I also read the continental papers to the extent that I could, and I talked with the representatives of various governments. I talked to some of them that came from all parts of Europe to Paris, and, as I say, not only, in my judgment, are the people expecting a great deal from the league of nations but they are probably expecting that it will relieve everything. They may be expecting more than the league of nations will be able to accomplish. That I do not attempt to pass upon. But I have no doubt that the great majority, from all the information I could gather, I am decidedly of the opinion that the great majority of the people, the masses of Europe, are in favor of it.

The CHAIRMAN. You include, of course, Germany and Russia?

Mr. DAVIS. I do. Well, Russia it was rather difficult, Mr. Chairman, to get accurate information from.

The CHAIRMAN. I wanted to know whether you included the Russians or whether Russia has a general idea of relief?

Mr. DAVIS. That I could not say.

Senator WILLIAMS. The Russians have not any ideas on any subject now.

The CHAIRMAN. They have 180,000,000 people.

Senator BRANDEGEE. Do you think the great majority of the people in Italy now favor the league?

Mr. DAVIS. What has happened in Italy lately I do not know, but I have no doubt they were all decidedly in favor of it. I see nothing to lead me to believe that they have changed at all.

Senator BRANDEGEE. Now, supposing that the United States should not ratify this treaty at all, the work of the reparation commission would go on, would it not, the other nations having ratified it? If Great Britain and France and Italy and Germany ratify the treaty, the reparation commission will be set up, will it not?

Mr. DAVIS. I assume that it would.

Senator BRANDEGEE. And the work would go on?

Mr. DAVIS. It would probably go on, but very unsatisfactorily, I think, so far as the United States is concerned. We would have nobody there to protect our interests.

Senator BRANDEGEE. Certainly not, but you say we are making no claim for any reparation.

Mr. DAVIS. No; I did not say that.

Senator BRANDEGEE. What did you say?

Mr. DAVIS. My own personal idea is that we should make a claim.

Senator BRANDEGEE. Then what is our interest in it, if we do not make a claim?

Mr. DAVIS. Our interest is in the general financial condition of the world and having markets for our products.

Senator BRANDEGEE. In Annex II, paragraph 2, on page 263, it provides as follows:

> Each government represented on the commission shall have the right to withdraw therefrom upon 12 months' notice filed with the commission and confirmed in the course of the sixth month after the date of the original notice.

That contemplates that any government can get out that wants to, does it not?

Mr. DAVIS. That was put in specifically for the United States, in case we got through with the work and it was felt there was no longer any reason for our staying on that commission, so that we would have the right to withdraw if we wanted to.

Senator BRANDEGEE. That means that the work of the commission would go on after the United States got through?

Mr. DAVIS. Not necessarily so. I mean, you might necessarily have a right to do something that would give you a great deal of trouble if you were to do it.

Senator BRANDEGEE. The man who put this in, who fixed it that way, evidently did not contemplate the abolition of the reparation commission if we withdrew.

Mr. DAVIS. I was one of the men who put this in, and the reason I put it in was because I thought there might be men in the United States who would object to the United States staying on a commission for an indefinite period in Europe, and after we got through with this preliminary work and the principal work had been done, the United States could, if the Government thought it advisable to do so, withdraw from this commission.

Senator BRANDEGEE. Having contemplated this, now if we exercise that right and withdraw from the commission, it is perfectly evident, is it not, that those powers upon the reparation commission which is to give them reparation and divide up the amount of money

which is to be paid by Germany, can perform their functions whether we are there or not?

Mr. DAVIS. I think they can perform their functions.

Senator BRANDEGEE. Yes.

Mr. DAVIS. But I do not think it would work as satisfactorily.

Senator BRANDEGEE. It might not work as satisfactorily to us or to them, but this clearly contemplates that we can get out if we want to.

Mr. DAVIS. Yes.

Senator BRANDEGEE. And then the thing goes on. It is not smashed up. They apportion the amount of reparation among themselves.

Mr. DAVIS. I would not say that. It contemplates that we can get out if we want to.

Senator BRANDEGEE. You say you were one of those that put this in. You did not do it with the idea that it would break up the reparation commission if we did get out?

Senator WILLIAMS. And you did not contemplate getting out until you had done your work?

Mr. DAVIS. No, sir.

Senator BRANDEGEE. This is my witness, Mr. Williams, if you please. You can have him after I get through.

Now, supposing it should seem wise to the Senate, before ratifying the treaty of peace with Germany, to strike out the covenant of the league of nations. We would be at peace with Germany. Europe would go on with the reparation commission and with the provisions of the treaty. Do you think Europe would abandon itself to chaos or anarchy if we should adopt that course?

Mr. DAVIS. I think it would have a terrible effect on Europe. I do.

Senator BRANDEGEE. After a few days, after their hurt had had a chance to heal up, they would get along some way, would they not?

Mr. DAVIS. They probably would get along. They got along with the French Revolution.

Senator BRANDEGEE. Exactly.

Mr. DAVIS. Until it was finally over; and they would probably get along, but they would probably get along very badly, in my judgment.

Senator BRANDEGEE. They always have gotten along. They never have had, in the settlement of European wars heretofore, any covenant of a league of nations, have they?

Mr. DAVIS. No.

Senator BRANDEGEE. And Europe has been fighting since the dawn of time, has it not?

Mr. DAVIS. Apparently so.

Senator BRANDEGEE. They have apparently recovered from all their wars without dragging us into them?

Mr. DAVIS. They have not always recovered very well from all their wars.

Senator BRANDEGEE. They are still on the map?

Mr. DAVIS. Yes.

Senator BRANDEGEE. That is all.

Senator HITCHCOCK. They did not get along without us in 1917?

Mr. DAVIS. No, sir.

Senator HITCHCOCK. They could not have got along without us. We saved them.

Mr. DAVIS. Yes.

Senator BRANDEGEE. After saving a drowning man we are not obliged to take him with us all through life thereafter?

Mr. DAVIS. No; but after you save a drowning man I do not believe in turning around and shooting him.

Senator HITCHCOCK. I understood the Senator was through with the witness.

Senator BRANDEGEE. I was, but that question was suggested by your examination.

Senator HITCHCOCK. You are through with him now?

Senator BRANDEGEE. Yes; I resign the witness.

Senator HITCHCOCK. Then he is my witness?

Senator BRANDEGEE. Yes.

Senator WILLIAMS. This witness belongs to himself. He does not belong to any of you. Just remember that, Mr. Davis.

Senator HITCHCOCK. You stated that in your capacity over there you had great opportunity not only to come in contact with people of all nations, but that you came into contact with other members of the commission who themselves were in contact with a great many more.

Mr. DAVIS. Yes.

Senator HITCHCOCK. And it was the result of that opportunity that you had, first and second hand, that led you to come to the conclusion that there was a wide spread longing in Europe for the league of nations, and belief in its ultimate beneficial results?

Mr. DAVIS. That is true. As a matter of fact I came to the conclusion rather reluctantly. I was not in favor of a league of nations when I first went to Paris, but the more I studied the situation and the necssity in negotiating this treaty of setting up some kind of machinery to hold us together, the more I became convinced of the absolute necessity of a league of nations.

Senator KNOX. And the farther you got away from America?

Mr. DAVIS. Naturally, I had to be away from American in order to sit in Paris; and of course we were not in contact with American opinion as you were here in this country.

Senator HARDING. As a matter of fact, they set up the machine first, did they not?

Mr. DAVIS. They set up the machine first. Well, not entirely first. There were many, many questions settled before the league of nations covenant was settled, and as a matter of fact, in attempting to settle many of these other questions the necessity of the league of nations became more apparent, and that is when they went at the organization or the drafting of a covenant for the league of nations. For instance, you make a settlement of a territorial boundary. Without the league of nations the incentive is to settle that along strategic—along the old principle of strategic—boundaries, and if you have not got the league of nations or seomthing to take its place, you could only come to an agreement on the question of a strategic boundary rather than on the basis of boundaries regulated in accordance with nationalities.

Senator HITCHCOCK. When you come to regulations of the league of nations, you come there to matters of justice, and ethnographic

considerations, such matters as will redound to the interests of peace and not to the victory of one nation or another?

Mr. DAVIS. Yes.

Senator HARDING. What was that term you used?

Senator KNOX. Is that the way that you settled Shantung?

Mr. DAVIS. I did not have anything to do with Shantung.

Senator KNOX. Do you think that is the way the settlement was made with regard to Shantung?

Mr. DAVIS. I think the President can better explain Shantung than myself.

Senator KNOX. Yes, but I do not think that Shantung can be very satisfactorily explained through the league of nations.

Senator HARDING. I want to ask Mr. Davis a question that has a bearing only on the mind of Europe. Were there serious proposals at any time that the United States should share the burdens of the war from the beginning?

Mr. DAVIS. There was talk, Senator, about that, but no real serious proposals were ever made to that effect. Some one was always bobbing up with some Utopian scheme of that kind; but that was a matter that we simply never discussed, and that we refused to discuss.

Senator WILLIAMS. Mr. Davis, my friend Senator Brandegee, asked you if these people in Europe would get along some way or other even if we let them alone. Russia is getting along some way or other now, is she not?

Mr. DAVIS. Yes; exactly.

Senator WILLIAMS. And in reference to this crime of your having expressed an opinion of the league of nations, in addition to the suggestions you have given to the committee do you not think it is an additional justification that any man has a right to form an opinion upon any public or international question?

Mr. DAVIS. Well, that is a question.

Senator WILLIAMS. Especially in answer to a question?

Senator HITCHCOCK. How long were you over there?

Mr. DAVIS. I have been in Europe practically—well, I went over first last July. I went first to Spain to negotiate a credit in Spain for our Government, and then I went back to Paris and was there a while—had to arrange some matters with the French treasury—and then I spent about seven weeks in London arranging other matters with the British treasury, and then I went back to Spain for a week and a half, and went back the latter part of November.

The CHAIRMAN. You stated that the league was very useful for the purpose of fixing boundaries. I have not had time to run through them all here, although I have been through them all, but I observe that it is always the principal allied and associated powers that fix the boundaries.

Mr. DAVIS. Yes.

The CHAIRMAN. I mean, for instance, take Austria; the frontier was fixed in the treaty between that power and the principal allied and associated powers. It is the same with regard to Czechoslovakia. It is the same for Germny, except for the Saar Basin, as I remember.

Mr. DAVIS. Yes.

The CHAIRMAN. The five principal allied and associated powers have the power in this treaty, have they not?

Mr. DAVIS. I understand, Mr. Chairman.

The CHAIRMAN. You said that it was to be done by the league of nations.

Mr. DAVIS. I understand that those boundaries were fixed in accordance with the principles which had been enunciated——

The CHAIRMAN. That is not the question. You said that they were to be fixed by the league of nations.

Mr. DAVIS. No; I beg your pardon.

The CHAIRMAN. The treaty says that is to be done by the five allied and associated powers.

Mr. DAVIS. I either misstated this, or you misunderstood me.

The CHAIRMAN. I understood you to say that without the league of nations they would be fixed under the old plan of strategic boundaries, but that under the league of nations the boundaries could be fixed on racial and other considerations. If you will read the treaty with a little more care, I think you will find that they are fixed by the principal allied and associated powers.

Mr. DAVIS. I think you will find that that is what I did say, Mr Chairman, if you will read back.

Senator MOSES. He certainly said they were going to be fixed on the basis of ethnographic and some racial lines.

The CHAIRMAN. The treaty does not say anything about that. It is always the principal allied and associated powers.

Senator HITCHCOCK. He did not state anything contrary to that.

The CHAIRMAN. I think he did. He never mentioned at all the five principal allied and associated powers.

Senator HITCHCOCK. He said that the league of nations contemplated——

The CHAIRMAN. If we summon here a gentleman as an expert on the treaty, and if he makes an error of that sort, I think it is just as well that it should be corrected.

Senator HITCHCOCK. I am perfectly willing that it should be corrected. We have the stenographic notes, which will show what he did say.

The CHAIRMAN. If everybody at this table imagines that he said that we were not to have strategic boundaries, but that boundaries were to be fixed under the league of nations, according to some principle, it is very strange if everybody is mistaken. I heard it and everybody else heard it.

Senator WILLIAMS. He said that——

The CHAIRMAN. He said that was one of the things that the league of nations was to deal with, the settlement of boundaries.

Senator WILLIAMS. He said that under the league of nations they could be fixed in certain ways.

The CHAIRMAN. But the league of nations has nothing to do with the fixing of boundaries.

Senator MOSES. Can we get back to the question?

The CHAIRMAN. I want to see that right from the stenographer's notes.

Senator MOSES. Coming to the lines that have already been fixed or are in process of fixation, I want to ask if the northern boundary of Italy has not been fixed upon strategic lines; I want to ask if the boundary line which is run near or through the lake of Ochrida has been fixed on racial lines; I want to ask if the boundaries of Silesia, Bessarabia, the Dobruja, the Banat, of Northern Epirus, of Albania,

of Thrace, are being fixed on a racial basis? As to any one of these, I would like to have the witness answer yes or no—whether or not they are being fixed on a racial basis.

Mr. DAVIS. In the first place, I did not say that any boundaries had been fixed on a racial basis. I said that by the utilization of the league of nations it made it possible to eliminate the old system of fixing boundaries from a strategical standpoint, and it made it possible to arrange them in accordance with the nationalities. Of course, the league of nations can not arrange any boundaries now, because it is not yet in existence.

The CHAIRMAN. But how can it do it when the boundaries are all left to the principal allied and associated powers? You are saying over again just what you said before.

Senator HARDING. Mr. Chairman, I think I can clear this. This is what I think the witness wants us to understand, that it was possible to fix these lines as they are fixed because the league of nations, if adopted, steps in and maintains ——

Senator WILLIAMS. Defends.

Senator HARDING (continuing). The boundaries.

The CHAIRMAN. It may be that the league will maintain them after they have been fixed by somebody else, but the witness did not say that.

Senator JOHNSON of California. Is that your view? I just simply want to get whether that is Mr. Davis's view. Is that your view?

Mr. DAVIS. My view is that it does make it possible to carry that out, and if mistakes are made in these boundaries now, that the league of nations can later on recognize that.

Senator MOSES. Is not the league to protect and preserve the integrity of the territories?

Mr. DAVIS. I was trying to explain to you my personal opinion. That was where we got started off on some of this. I do not pretend to be an expert on the league of nations or on the question of nationalities or boundaries, but I think that if the league of nations should afterwards decide that it was advisable to modify a boundary and then that boundary were modified, that would not be an act of war.

Senator MOSES. But it would not be preserving territorial integrity?

Mr. DAVIS. Yes; and I can conceive of their modifying some bondaries that have been made wrong.

Senator KNOX. Suppose a nation did not want the boundary changed?

Mr. DAVIS. If it was a party to the league of nations, would it not have to abide by it?

Senator KNOX. Your idea is that the league of nations will recast boundaries of nations?

Mr. DAVIS. I do not think it can recast the boundaries of nations; no.

Senator BRANDEGEE. Did you not say that it there was a mistake in establishing boundaries the league of nations can hereafter correct it?

Mr. DAVIS. I think that is a matter that can be brought before the league of nations, if there has been a mistake, and if there has been a mistake probably all parties concerned will agree to a rectification; and that this is one means by which you can draw them together for that purpose.

Senator BRANDEGEE. Do you not know that article 10 binds the members of the league of nations to maintain the territorial integrity of the States as established?

Senator HITCHCOCK. No; it does not.

Mr. DAVIS. I did not so understand it.

Senator BRANDEGEE. At this point I will ask that article 10 be inserted in this record.

The CHAIRMAN. Let article 10 be printed at this point.

(The article referred to is here printed in full as follows:)

ART. 10. The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

The CHAIRMAN. Now, Mr. Davis, I want to ask you a question on boundaries. I read as follows from article 88, on page 125 of the committee print of the treaty, as follows:

In the portion of Upper Silesia included within the boundaries described below, the inhabitants will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland: Starting from the northern point of the salient of the old province of Austrian Silesia situated about 8 kilometers east of Neustadt, the former frontier between Germany and Austria to its junction with the boundary between the Kreise of Leobschutz and Ratibor; thence in a northerly direction to a point about 2 kilometers southeast of Katscher; the boundary between the kreise of Leobschutz and Ratibor.

There is a whole page laying out a boundary just as if it was a boundary laid out in a deed of real estate.

Mr. DAVIS. Yes.

The CHAIRMAN. Of course, it is an agreement in the treaty with Germany.

Mr. DAVIS. Yes, but——

The CHAIRMAN. One minute. Is it not an agreement in the treaty with Germany? Are not all the boundaries in this treaty agreed to by the signers?

Mr. DAVIS. Yes.

The CHAIRMAN. Has the league the power to change those boundaries after this treaty has been agreed to?

Mr. DAVIS. If the parties concerned would agree to a change, I think so.

The CHAIRMAN. I am very glad to find that there is something in the league of nations that I did not think was there.

Senator HARDING. You do think, then, that the league becomes a supergovernment?

Mr. DAVIS. No; I would prefer not to express my opinion as to the actual league itself, because I had nothing to do with the formation of the league, and there are others who know more about it than I do.

Senator KNOX. Can you recommend to us a first-class expert on the league, that we can call?

Mr. DAVIS. I should think, the President.

Senator KNOX. We tried him once, at a dinner, and we did not get the information.

Senator PITTMAN. But you did not try him when he offered to come before this committee.

The CHAIRMAN. He did not offer to come before the committee. He sent a telephone message that he would be glad to see the committee at the White House if they wanted to come.

Senator PITTMAN. In his message he said that he would be glad to give the committee any information.

The CHAIRMAN. Yes; and we have asked for information after information, one paper after another, and have not received one.

Senator PITTMAN. In his message he offered to come before the committee.

Senator BRANDEGEE. He can come, any time he wants to.

Senator PITTMAN. The question was undoubtedly considered by the chairman and others, and they never saw fit to invite him.

The CHAIRMAN. I do not think that a committee of Congress has any right to summon the President of the United States.

Senator HITCHCOCK. We are not called here to debate all that.

The CHAIRMAN. No; but it was brought in, and we might as well have it.

Senator SWANSON. I understood that as a financial expert, having been in Europe a year, you are satisfied that the financial condition of Europe would be improved by a prompt ratification of this treaty?

Mr. DAVIS. Yes, sir.

Senator MOSES. As a financial expert, and having been in America since you came over with the President, are you of the opinion that there are any conditions in this country which require all of our attention at the present minute?

Mr. DAVIS. Yes; but I also am of opinion that the conditions in other parts of the world affect the conditions in the United States, and that the solution of some of our problems may be made by a solution of some of the problems in other parts of the world. You can not be prosperous in one part of the world unless another large portion of the world is prosperous.

Senator MOSES. And if we send much more food to Europe we will reduce the high cost of living here?

Mr. DAVIS. I think that the sending of food to Europe will not necessarily increase the cost of living here, and I think it can be handled in such a way that it will not.

Senator MOSES. There is a law of supply and demand.

Mr. DAVIS. That is true; but the law of supply and demand has been rather upset during the war, and we have not got back to entirely normal conditions.

Senator MOSES. True; but if we materially reduce our supply here, we necessarily increase prices, regardless of anything else.

Mr. DAVIS. But what we ship is a surplus that we do not need in this country. We are not going to ship something that we need; but if we have got sufficient to supply our own requirements and still have left a surplus for Europe, there is no reason why the supply and demand in our country should not reduce the prices.

Senator FALL. Mr. Davis, how about the protection of racial and religious minorities in these new countries in Europe? Who is going to extend that ptotection?

Mr. DAVIS. That I could not tell, Senator.

Senator FALL. You know that the treaty for the protection of racial and religious minorities is not to be made with the league or

under the league of nations' domination, but it will be made with the five principal allied and associated powers, however, do you not?

Mr. DAVIS. I am not thoroughly conversant with that.

Senator FALL. Well, that is a fact, Do you know Mr. Arthur Henderson or not?

Mr. DAVIS. No; I do not.

Senator FALL. You know who he is?

Mr. DAVIS. Yes.

Senator FALL. Is he in favor of this league and the treaty as it stands?

Mr. DAVIS. I am not sure of that.

Senator FALL. He is the leader of the labor party, is he not, in Great Britain?

Mr. DAVIS. He is one of the leaders; but he lost his leadership when he went into Parliament, did he not?

Senator FALL. He got out of the Cabinet because he did not like the way Lloyd-George is running things.

Mr. DAVIS. That is a peculiar thing in England; as soon as a labor leader gets into the Cabinet he ceases to be a labor leader.

Senator FALL. Do you know Mr. McDonald?

Mr. DAVIS. I know who he is.

Senator FALL. Is he in favor of the league of nations?

Mr. DAVIS. I can not tell you that.

Senator FALL. He has just expressed himself about it, as has also Mr. Arthur Henderson, at the Amsterdam meeting.

Mr. DAVIS. I did not read that; just the headlines. I did not read that speech.

Senator FALL. Do you know whether the labor party of Great Britain favors the league of nations and this peace treaty as it stands?

Mr. DAVIS. Just before I left Paris the labor party expressed approval, at a conference in England, of the league of nations.

Senator FALL. Are you sure of that, now, or was it an approval of the labor provisions in the league of nations?

Mr. DAVIS. No; I should not care to contradict you on that, but I am positive in the opinion that they did officially approve of a league of nations.

Senator FALL. I am making no assertion, so that any answer that you make can not be a contradiction. I am simply asking for information, in good faith.

Mr. DAVIS. Yes.

Senator FALL. Do you know whether the French socialist party is in favor of the league of nations?

Senator WILLIAMS. Everybody knows they are opposed to it.

Senator FALL. They represent a very large portion of the people of France.

Senator WILLIAMS. A very small minority.

Mr. DAVIS. If they represented the majority, I should think they would be in control of the Government.

Senator FALL. They have been, and if I know anything about the conditions in France they will be, in a few days. However, that is simply a guess of mine.

Mr. DAVIS. Yes.

Senator FALL. Do you know whether Hungary is in favor of this treaty and the league of nations?

Mr. DAVIS. It is hard to tell now what Hungary wants.

Senator FALL. You know that Germany is not, do you not?

Mr. DAVIS. No; I do not. I think Germany is in favor of the league of nations, and that they are very anxious for it.

Senator FALL. And that they are in favor of this treaty as it is drawn?

Mr. DAVIS. Well, now, I would not say.

Senator WILLIAMS. No.

Senator FALL. Do you know whether Turkey is in favor of the league of nations and the treaty?

Mr. DAVIS. Of course, in writing the treaty it was not the purpose to try to write something that would entirely suit the enemy.

Senator FALL. I understand that. That is exactly my idea. But you have made the assertion here that from your knowledge, spending your time in Europe and meeting these people in France—and that you are not confined to France but that you have been in Great Britain and other foreign countries—the great mass of the people the majority of the people, of Europe, are in favor of this treaty.

Mr. DAVIS. Yes; that is true.

Senator FALL. I am just asking you the usual questions which would be asked, to see whether your information is correct, so that we can make up our minds.

Mr. DAVIS. Yes.

Senator FALL. Do you know whether the people of Little Russia and the Ukraine are in favor of the league of nations and of the treaty?

Mr. DAVIS. As I have just said, it is rather difficult to get accurate information as to Russia.

Senator FALL. Do you know whether the Italian socialists are in favor of it?

Mr. DAVIS. The Socialist Party in Italy probably is not, but I think the majority of the people are.

Senator FALL. Do you know whether the Norwegian Government—the people of Norway—are in favor of it?

Mr. DAVIS. I have talked to several representative Norwegians—10 or 15 of them from Norway—and they told me that they were; that the people were.

Senator FALL. Could you give me the names of any of those people? I would like to have the opportunity to get any of them that are on this side.

Mr. DAVIS. I do not recollect the names of any of them now. One of them was the head of the State Bank and another was one of the principal shipping men.

Senator FALL. How about the people of Sweden?

Mr. DAVIS. The people of Sweden feel the same way there, I am told. The head of their State Bank there told me so. You see, the neutrals all sent delegations and committees to Paris to take up questions with us.

Senator FALL. They have not expressed their desire yet to join the league?

Mr. DAVIS. The Government, officially, has not.

Senator FALL. They have been invited. Have they indicated their intention of joining?

Mr. DAVIS. I do not know.

Senator FALL. Neither Norway nor Sweden?

Mr. DAVIS. That I can not say.

Senator FALL. The Socialist Party is very strong in those two countries?

Mr. DAVIS. They are not a majority.

Senator FALL. They are not?

Mr. DAVIS. I understand they are not.

Senator FALL. Do you know what the Norwegian Parliament is?

Mr. DAVIS. No; I do not.

Senator FALL. Do you know who controls it?

Mr. DAVIS. No; I do not.

Senator FALL. Do you know whether Denmark is in favor of this treaty or not?

Senator WILLIAMS. In favor of what, the league or the treaty?

Senator FALL. Both.

Mr. DAVIS. No; I do not. I talked several times with the head of the State Bank of Denmark, who told me that Denmark was very much in favor of the league of nations, and that while they thought the treaty was rather hard on Germany, they thought that, all in all, it was satisfactory.

Senator FALL. As a matter of fact, Denmark repudiated that portion of the treaty in relation to the territory which was to be turned over by Germany to Denmark, did she not?

Mr. DAVIS. It was because they did not get it just the way they wanted it.

Senator FALL. Yes; because they got more than they wanted?

Mr. DAVIS. I say because they did not get it just as they wanted it, and they did not want to have any trouble with Germany.

Senator KNOX. I notice these people you speak of all seem to be at the heads of banks.

Mr. DAVIS. Yes; they were from neutral countries.

Senator KNOX. Kuhn, Loeb & Co., and J. P. Morgan & Co. are in favor of it too, are they not?

Mr. DAVIS. Yes.

Senator HITCHCOCK. You speak about the State banks of Denmark and Norway?

Mr. DAVIS. Yes.

Senator HITCHCOCK. That is a bank that corresponds to our Federal reserve?

Mr. DAVIS. Yes.

Senator HITCHCOCK. A Government institution?

Mr. DAVIS. A Government institution.

Senator FALL. How about the people and the Government of Holland as to this league and treaty—are they in favor of it?

Mr. DAVIS. I do not know.

Senator FALL. They have been invited to join, have they not?

Mr. DAVIS. Yes; I believe they have.

Senator FALL. Have they indicated any intention to do so?

Mr. DAVIS. I do not know.

Senator HITCHCOCK. They are supposed to have a vote on it in Switzerland, are they not?

Mr. DAVIS. I think so, but I am not positive. Mr. Chairman, I did not say that I knew the opinion of Europe. I said that I had had considerable opportunity of gauging the opinion of Europe, and

that I had come to a definite opinion as to what it was. I did not say——

Senator BRANDEGEE. You said your information was obtained, among other ways, from reports coming from Mr. Hoover's agents?

Mr. DAVIS. Among others.

Senator BRANDEGEE. And those whose opinions you have given were bankers whom you have met around and who have told you they were in favor of it. How could they have known what the opinion of all their nations was?

Mr. DAVIS. Bankers usually endeavor to gauge the opinion of people in their countries.

Senator BRANDEGEE. You are a banker. Would you be able to state authoritatively that a majority of the people of America are in favor of it?

Mr. DAVIS. I would not hesitate to say that in my opinion the majority of all the people of the United States were in favor of it, but I have not been in America now for some time.

Senator BRANDEGEE. The President does not hesitate to say so, either, but a good many of us doubt it.

Mr. DAVIS. Yes; it is difficult to get people to agree.

Senator BRANDEGEE. My opinion is that the poeple ought to have a right to express their opinion and not have it reported by a lot of bankers.

Senator WILLIAMS. I would like to see a referendum. I would like to see that taken.

Senator HITCHCOCK. A number of these banking institutions that you refer to are Government banks?

Mr. DAVIS. They are Government banks.

Senator HITCHCOCK. Similar to our Federal reserve banks, or possibly to our Treasury?

Mr. DAVIS. Yes; absolutely. But I was not confined to bankers. I saw more of those.

Senator HITCHCOCK. You mentioned those particularly because you are a financial expert and you were coming in contact with the representatives of financial institutions?

Mr. DAVIS. Yes.

The CHAIRMAN. If there is no further business, the committee will stand adjourned until to-morrow at half past 10, when the Secretary of State will be here.

(Thereupon, at 12.30 o'clock p. m. the committee adjourned until to-morrow, Wednesday, August 6, 1919, at 10.30 o'clock a. m.)

WEDNESDAY, AUGUST 6, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met at 10.30 o'clock a. m., pursuant to adjournment, in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), McCumber, Borah, Brandegee, Fall, Knox, Harding, Johnson, New, Moses, Hitchcock, Williams, Swanson, Pomerene, Smith, and Pittman.

STATEMENT OF HON. ROBERT LANSING, SECRETARY OF STATE.

The CHAIRMAN. Mr. Lansing, I desire to ask you a few questions about a matter which has not been discussed by the committee yet. That is in relation to the expenses of the league, the provision for the payment of the expenses. Article 6 says:

> The expenses of the secretariat shall be borne by the members of the league in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

That is a clause simply arranging for the apportionment?

Mr. LANSING. Yes.

The CHAIRMAN. I suppose those expenses will include salaries of officers and staff, and equipment, and rental and maintenance of offices of the organization, and, generally, the expenses to carry on the activities involved in the work of the permanent committees on armament and mandates under articles 9 and 22, and in formulating the plans of the international tribunal. I am just taking this from the treaty. I should say there would be large expenses. Article 24 says:

> There shall be placed under the direction of the league all international bureaus already established by general treaties if the parties to such treaties consent. All such international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the league.

I need not go into details. That involves a great many more heavy expenses.

Article 399 says:

> All the other expenses of the international labor office and of the meetings of the conference or governing body shall be paid to the director by the secretary general of the league of nations out of the general funds of the league.
> The director—

That is, the director of labor—

> shall be responsible to the secretary general of the league for the proper expenditure of all moneys paid to him in pursuance of this article.

Now, I have been unable to find any provision for what is styled here the general funds of the league, and I should like to know if you can tell us how those funds are to be provided and how those expenses are to be met? We are told how they shall be apportioned but not how they shall be met.

Mr. LANSING. I assume—and it must be an assumption, since there is nothing definite about it in the treaty—that there will be a budget prepared and the apportionment made accordingly, and it will all enter into one general fund which will be distributed under the direction of the council.

The CHAIRMAN. The labor provision seems to assume the existence of a general fund in the possession of the league.

Secretary LANSING. I suppose it means the general fund of the league, which would be the fund raised by that apportionment, based upon a budget.

The CHAIRMAN. Who establishes the amount of that fund?

Secretary LANSING. I should assume that it would have to be established by the council in the first instance and probably a submission to the assembly afterwards.

The CHAIRMAN. Our share then is assessed upon us by the league?

Secretary LANSING. Assessed upon us, of course, subject to the proper appropriations, as is always so in the event of an international fund.

The CHAIRMAN. Well, of course, the Congress has to appropriate the money, but is anything left to the Congress as to the amount?

Secretary LANSING. I should assume so. They might refuse to pass the amount.

The CHAIRMAN. They might refuse to agree then to the assessments made by the league organization?

Secretary LANSING. So far as it concerns the United States, I presume they have got entire control over the appropriations of the Government.

The CHAIRMAN. There seems to be no special provision in the treaty for this matter of finance. There must be a large sum raised. That is obvious.

Secretary LANSING. Yes.

The CHAIRMAN. The point I was anxious to get at was whether we were bound to take that budget as it stood, or whether Congress still had the power to say what appropriations should be made.

Secretary LANSING. I think it is no more so than in the case of the Pan American Union and other international bodies which are supported by contributions from the various member Governments.

Senator HITCHCOCK. As it is now, every year your department makes a recommendation to Congress of items to be appropriated for the various international commissions that are in existence, and then it is for Congress to decide whether it will appropriate the money asked for.

Secretary LANSING. Yes; my recollection is that we have 19 such international commissions.

Senator HITCHCOCK. And you assume that this will probably be provided for in the same way. That is, the council of the league would request each nation to furnish so much on a certain basis of proportion, and then you would recommend it to Congress, and it will be for Congress to say whether the appropriation should be made or not.

Secretary LANSING. Exactly.

The CHAIRMAN. Well, there is no obligation then under the league on any power to appropriate this money?

Secretary LANSING. No more than any international agreement imposes a certain moral obligation.

The CHAIRMAN. Yes; I know the distinction that is attempted to be drawn, but I regard a moral obligation as just as binding as a legal obligation.

Senator SWANSON. This action of the council and assembly would have to be unanimous, would it not?

Secretary LANSING. I have no recollection that there is any exception made in that particular case.

Senator SWANSON. And there being no exception made, the budget would have to have the approval of the representative of the United States?

The CHAIRMAN. I had only one or two other questions. What I wanted to get at really was that this assessment is made by the council of the league?

Secretary LANSING. You can term it an assessment. I thought it was an apportionment. I thought that was the term used.

The CHAIRMAN. That is the apportionment of the total, the proportion that we should pay. That is according to the International Universal Postal Union apportionment; but who fixes the total amount that is to be taken from the different countries?

Secretary LANSING. I assume that as it is left indefinite, it falls on the assembly, ultimately.

The CHAIRMAN. It falls on the assembly to decide how much each country should pay?

Secretary LANSING. Yes; how much they ought to pay; and for that purpose the general fund of the league of nations was established.

The CHAIRMAN. And those general funds are under the control of the secretariat?

Secretary LANSING. Yes.

Senator MCCUMBER. Why did you say the secretariat rather than the council? Under what provision of the league of nations is there anything about this particular matter being a matter for the assembly rather than for the council?

Secretary LANSING. My recollection is that the items with which the council have particularly to do are set forth, while those in connection with the assembly are not set forth.

Senator MCCUMBER. And you assume, therefore, that those which are not set forth as those which the council has special jurisdiction of, must necessarily fall under the jurisdiction of the assembly?

Secretary LANSING. Yes; but of course the introduction would be by the council. It would be passed by the council and then by the assembly.

The CHAIRMAN. I have a series of questions I want to ask the Secretary, but I am perfectly willing to wait. I have one or two more questions that I would like to ask him.

Senator MCCUMBER. That is all I want to ask.

The CHAIRMAN. As to these bureaus which all pass under the control of the league, they include the 19 bureaus and commission you were speaking of, do they not?

Secretary LANSING. Not all, no; because many of those are merely bilateral in character. I assume that it does not refer to those, but to general international bureaus.

The CHAIRMAN. Can you refer me to the provision in the treaty that makes a distinction of that kind?

Secretary LANSING. No, sir.

The CHAIRMAN. The article says:

> There shall be placed under the direction of the league all international bureaus already established by general treaties if the parties to such treaties consent. All such international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the league.

That would include the Pan American, would it not?

Secretary LANSING. I should doubt it. That is not a general international treaty. That is a special treaty covering the Western Hemisphere.

The CHAIRMAN. Well, but this says "all."

Secretary LANSING. No; it says "all general."

The CHAIRMAN. "All general?"

Secretary LANSING. Yes.

The CHAIRMAN. That is special, is it?

Secretary LANSING. I should say it was special international.

The CHAIRMAN. What is the basis of the distinction?

Secretary LANSING. Because it is limited in the character of the membership.

The CHAIRMAN. Then "general" means only those that cover the whole world?

Secretary LANSING. Substantially that.

The CHAIRMAN. Well, then, there are none.

Secretary LANSING. Oh, many.

The CHAIRMAN. That cover all the world, to which all the powers of the world are parties?

Secretary LANSING. Not necessarily all the powers of the world, but all that desire to enter.

The CHAIRMAN. Then, as I understand it, a general treaty is one that includes—that is open to—all the powers of the world?

Secretary LANSING. Yes.

The CHAIRMAN. How about The Hague convention?

Secretary LANSING. I assume that that would be a general convention.

The CHAIRMAN. Those are general?

Secretary LANSING. Yes.

The CHAIRMAN. But the Pan American is not general because it is confined to a hemisphere?

Secretary LANSING. Exactly; any more than the joint high commission between this country and Canada.

The CHAIRMAN. The language of the treaty is extremely broad. It does not draw that distinction, I think.

Secretary LANSING. Well——

The CHAIRMAN. Except that it says "general," and that distinction, I confess, I was not familiar with. I thought that a general agreement was one that applied to all the world, of which the whole world took notice.

Senator HITCHCOCK. The chairman will notice, too, that the parties to the treaties must first consent, in order to have it come under the control of the league.

The CHAIRMAN. I have not got it before me.

Senator HITCHCOCK. That is the language.

Secretary LANSING. It is limited. It is not general.

Senator KNOX. I assume that consent provision would refer to those treaties already made and not to the future.

Secretary LANSING. That would be to a limited extent, except those that came in.

The CHAIRMAN. The league would take them all, everywhere?

Secretary LANSING. It would be a mere transference from one bill to another.

The CHAIRMAN. Yes. Now, on another matter: The President stated at the meeting at the White House of the Foreign Affairs Committee of the House of Representatives and the Foreign Relations Committee of the Senate last March, that four plans were presented at the peace conference for a league: The Italian plan, an American plan, a French plan, and a British plan, and that the American plan was not the one used for the purpose of building the league, and there have been several requests and there has been a good deal of desire to see that American plan. Do you know whether that plan is in existence?

Secretary LANSING. I do not, sir.

The CHAIRMAN. There is no copy in the department?

Secretary LANSING. There are no copies, to my knowledge, in the department.

The CHAIRMAN. Do you know who drafted the plan?

Secretary LANSING. I do not. I should say, the President.

The CHAIRMAN. Then that draft of that plan is practically unobtainable.

Secretary LANSING. That I do not know, sir.

The CHAIRMAN. That is all. Oh, yes: may I ask if you ever saw it yourself?

Secretary LANSING. Yes.

The CHAIRMAN. Was it presented by our delegates?

Secretary LANSING. No, sir. It may have been presented to the commission on the league of nations. It was not presented to the conference.

The CHAIRMAN. Did you ever prepare a draft yourself?

Secretary LANSING. No.

The CHAIRMAN. That is all I have to ask now.

Senator BORAH. Mr. Secretary, you say you saw this plan. Could you tell us the difference between the plan which the Americans presented and the one which was finally adopted?

Secretary LANSING. No; I do not think I could, because they were along the same general line.

Senator BORAH. Do you remember any distinguishing features between them?

Secretary LANSING. No; I can not recall now. It was very early in the proceedings, and the American plan was not pressed.

Senator BORAH. No print of it that you know of was ever made?

Secretary LANSING. I do not think it was ever printed.

Senator BORAH. Mr. Secretary, I wanted to ask you in regard to another feature of this matter we have been talking about, the American plan, if no one else wanted to ask any questions about that.

Senator BRANDEGEE. Right in that line, before we leave it, Senator Borah, if it will not interrupt you. I will not interrupt if you prefer to go ahead with what you had in mind.

Senator BORAH. No; go ahead.

Senator BRANDEGEE (continuing). But inasmuch as we were talking about that plan, I understood the President to say last March at the meeting to which Senator Lodge has referred that these four plans were discussed before the conference.

Secretary LANSING. Not before the conference.

Semator BRANDEGEE. And that he said that the American plan was put aside or laid aside—and the British plan was adopted—or the Gen. Smuts's plan—with some modifications. I had assumed that he meant that, there being four plans, they had been before the conference.

Secretary LANSING. No; they never were read before the conference.

Senator BRANDEGEE. They were not read before the conference?

Secretary LANSING. No.

Senator BRANDEGEE. Now, what plans were considered by our commission?

Secretary LANSING. That I do not know. I was not a member.

Senator BRANDEGEE. You say you did not draft a plan? Did you not suggest a plan, or lay something before our commission, whether you drafted it not, in the way of a plan?

Secretary LANSING. Not of a general plan; no.

Senator BRANDEGEE. What did you lay before the commission in the way of suggestions?

Secretary LANSING. I laid before it a general resolution.

Senator BRANDEGEE. What was the nature of that?

Secretary LANSING. It covered the general principles on which the league was to be organized. It was very brief.

Senator BRANDEGEE. Have you that document in existence now?

Secretary LANSING. I presume I have.

Senator BRANDEGEE. Could it be produced here?

Secretary LANSING. Yes.

Senator BRANDEGEE. I should like to have it. What was done with that by our commission?

Secretary LANSING. That I do not know, sir.

Senator BRANDEGEE. It was not favorably considered, was it? Of course it was not adopted.

Secretary LANSING. No; there was no action taken.

Senator BRANDEGEE. Do you know who drew the plan that Mr. Wilson calls the American plan?

Secretary LANSING. No; I do not.

Senator BRANDEGEE. I understood you to say that you assumed that he drafted it himself.

Secretary LANSING. I did assume so.

Senator BRANDEGEE. Did you never hear that it was drafted by two New York lawyers for him, and taken over there by him?

Secretary LANSING. No; I think that is not true.

Senator BRANDEGEE. And that that plan was destroyed, it was so absurd?

Secretary LANSING. No; I never heard any such thing.

Senator BRANDEGEE. And that the other plan was got up, afterwards—the one that Mr. Wilson calls the American plan—by other people?

Secretary LANSING. I saw the American plan about two days after we landed.

Senator BRANDEGEE. Did you study it thoroughly or just glance over it?

Secretary LANSING. The President read it.

Senator BRANDEGEE. How did it impress you? I mean, do you think the present plan is a better plan than the one that the President calls the American plan?

Secretary LANSING. I do not quite catch that.

Senator BRANDEGEE. I do not want you to damn the American plan with faint praise, but I want to know what is your opinion as to the respective merits of the two.

Secretary LANSING. I think it is a decided improvement.

Senator BRANDEGEE. This is a better one?

Secretary LANSING. Yes.

Senator BRANDEGEE. But you do not know who drew the American plan?

Secretary LANSING. I do not.

Senator BRANDEGEE. I have here the New York Sun of yesterday, August 6, 1919, and in the first column on the editorial page there is an editorial entitled "The Facts—President Wilson, give us the facts." I do not ask that the whole editorial be printed in the record, but there is one particular paragraph that interested me.

I do not see the little extract that I expected to find. I find that I have here Wednesday's Times instead of yesterday's, which is what I sent for. Anyway, the gist of that was that it was a dispatch from Paris, quoted from the New York Times, stating substantially that Clemenceau had laid before the committees on treaties of the French Senate and the French Chamber of Deputies a cable from President Wilson requesting him not to make public any of the notes or documents in relation to this treaty. Do you know whether or not such a cable was sent by President Wilson?

Secretary LANSING. No; that was not it, at all.

Senator BRANDEGEE. What was not it?

Secretary LANSING. I say, that is not a true statement of the facts, at all.

Senator BRANDEGEE. Will you be kind enough to state what the fact was, if you can recognize the situation from what I have stated?

Secretary LANSING. The Senate Chamber in Paris asked Mr. Clemenceau to lay before it the minutes of the proceedings of the commission on the league of nations, and Mr. Clemenceau said that as that was a matter which pertained to other Governments as well as France, he must make inquiry as to whether it was advisable, and he did. He inquired, I think of me in the first instance, and I said that my impression was, in view of the great freedom of debate in the commission, that it would be unwise to lay the minutes before the Senate, as it might cause irritation, but that I would communicate with the President in regard to it, which I did, and the President agreed as to that answer.

Senator BRANDEGEE. Who sent the cable to Clemenceau, you or the President?

Secretary LANSING. I think it was cabled to the peace commission.

Senator BRANDEGEE. I mean, by whom was it sent?

Secretary LANSING. By the President.

Senator BRANDEGEE. When do you expect that all the records pertaining to the peace conference will have arrived in this country?

Secretary LANSING. Oh, I do not know. It will be some time yet. They have to be kept there on account of the other treaties that are being discussed at the present time.

Senator POMERENE. With other powers, you mean?

Secretary LANSING. With other powers.

Senator BRANDEGEE. Then it is uncertain whether we can have access to documents that we would like to see, or not, is it not?

Secretary LANSING. Yes. Of course, if they related to certain matters, we would have to get the permission of the other governments to submit them.

Senator BRANDEGEE. The witness who was here yesterday, Mr. Davis, stated that his records—he was on the financial commission, I think——

Secretary LANSING. Yes.

Senator BRANDEGEE. He stated that his records were arriving every day, and he was going to produce some here. Can he not do that without getting permission from the other governments?

Secretary LANSING. I have no doubt, so far as reports are concerned?

Senator POMERENE. Let me suggest that as I understand Mr. Davis, not yesterday, but in what he said the day before, told us that he kept, as the other members of the reparation commission kept, copies, and it was these copies to which he referred. That was my understanding about it.

Senator BRANDEGEE. I know; but if he could not produce the originals, of course he could not produce copies, either, without the consent of the other members of the commission, if that is a rule of the commission. It is the information he is to give us, no matter whether it is the first, second, or third copy. If it was impossible for him to produce the originals, he could not produce copies. That is all that I had.

Senator HARDING. I want to ask the Secretary, in view of the character of the league covenant, and all that it seeks to do in open relationship, can you tell me what character of discussion was going on there that makes it inadvisable to let the various nations understand?

Secretary LANSING. No, I can not tell you, because as I say I was not a member of that commission, and I have never looked at their minutes, and in fact, know nothing about their records. I made that as a general remark applying to everything.

Senator BORAH. Where is Col. House now?

Secretary LANSING. I suppose he is in England.

Senator BORAH. Does he expect to return to this country soon?

Secretary LANSING. Not to my knowledge. I have had no communication with him.

Senator BORAH. Mr. Secretary, if this subject has been ended, I desire to ask in regard to another feature of the proceedings at Versailles, and to go back a little. If I remember correctly, what was

known as the Lansing-Ishii agreement was made about November 2, 1917?

Secretary LANSING. Yes.

Senator BORAH. At the time that that agreement was entered into, what knowledge, if any, did the State Department have with reference to the secret agreements between Great Britain and Japan, France and Japan, Russia and Japan, and Italy and Japan?

Secretary LANSING. I should have to look the matter up before I could give you a definite answer in regard to that.

Senator BORAH. Then you likely would be able to state, after investigating the matter, just what information was in the State Department at that time?

Secretary LANSING. Yes.

Senator BORAH. I presume that you had full information with reference to what was known as the 21 demands at that time, had you not?

Secretary LANSING. Yes.

Senator BORAH. If it is permissible to so state, did the discussion turn upon those 21 demands? Did it enter into the discussion at all with reference to your agreement which you entered into?

Secretary LANSING. Never.

Senator BORAH. In view of those 21 demands, what construction did you place upon the question of Japan's special interest in China?

Secretary LANSING. Only the special interest that comes from being contiguous to another country whose peace and prosperity were involved.

Senator BORAH. No different special interest from that which we have in Canada?

Secretary LANSING. No.

Senator BORAH. Or which we have in Mexico?

Secretary LANSING. Exactly.

Senator BORAH. It was at no time understood by the State Department that the Lansing-Ishii agreement was in any sense an indorsement of the program which Japan had apparently initiated at that time under her 21 demands?

Secretary LANSING. Absolutely not. We were opposed to the 21 demands.

Senator BORAH. And I presume you could also state that it was in no sense an indorsement of anything which has since developed under the secret agreements?

Secretary LANSING. Oh, no; nothing.

Senator BORAH. If you had known of those secret agreements, would you likely have entered into that agreement with Japan?

Secretary LANSING. I think so.

Senator POMERENE. Senator, in order to make the record entirely clear, you mean the secret agreements between Japan, Great Britain, France and Italy?

Senator BORAH. Yes; I mentioned that just a moment ago.

Senator POMERENE. I had overlooked that.

Senator HARDING. The Senator also mentioned Russia.

Senator BORAH. Whatever may be the construction of the Lansing-Ishii agreement in Japan or China, it should not from the standpoint of the State Department be construed in America as indorsing anything in the nature of the program which Japan has under the secret agreement?

Secretary LANSING. You are quite correct about that. I think I can say, although I would like to refresh my memory, and would be subject to correction later, that one of the very reasons why that Lansing-Ishii agreement was entered into was on account of the 21 demands and the attitude that Japan was taking toward China, in order to secure from Japan a redeclaration of the open-door policy, which she did in that agreement.

Senator BORAH. It would seem then that if the secret agreements had been known to the State Department at that time, the State Department would likely have written that Lansing-Ishii agreement in different terms, would it not?

Secretary LANSING. Well, I do not know. No; I do not see why we should.

Senator BORAH. It is a fact that at that time Japan had a secret agreement with those other countries, by which it was understood and agreed that certain territorial interests and certain rights in China should be given her at the close of the war. Now are you not familiar with the fact that as soon as the Lansing-Ishii agreement was made, it was construed in Japan and China, both by the press and semiofficially, to be a tacit indorsement of Japan's program in China?

Secretary LANSING. In regard to those secret agreements, do you refer to them?

Senator BORAH. Yes; and the 21 demands.

Secretary LANSING. I know it was in Japan. I never knew that it was in China.

Senator BORAH. Did not China issue a statement or a protest, or something in the nature of a protest against the Lansing-Ishii agreement, and was not that brought to the attention of the State Department here in Washington?

Secretary LANSING. I will have to refresh my memory on that.

Senator BORAH. I think you will find, Mr. Secretary, that that is true. Now are you able to state when the secret agreements to which I have referred were first brought to the knowledge of the President, or those two, the secret agreements with Great Britain and Italy?

Secretary LANSING. No; that is a thing I would have to refresh my memory about.

Senator BORAH. Are you able to state whether or not it was before you went to Versailles?

Secretary LANSING. Oh, yes.

Senator BORAH. It was before?

Secretary LANSING. That is, so far as Great Britain is concerned I do not think I knew of any secret agreements with France or Italy.

Senator BORAH. May I suggest, then, Mr. Secretary, that you ascertain for the committee as soon as you can conveniently, just when you learned of these secret agreements? If it has not already occurred to you, I think you will recall, probably, that these secret agreements were published first by the Russian Government, so far as the world was concerned. I do not know how long before that the Department of State had knowledge of them; but so far as the world had any knowledge of them, as I recall, the first knowledge came from Mr. Trotski.

Mr. Secretary, with reference to the settlement of what is known as the Shantung affair, did you take part in the discussion by which that affair was finally adjusted?

Secretary LANSING. No.

Senator BORAH. Did you file any statement in regard to it?

Secretary LANSING. No.

Senator BORAH. Did any one of the American commission file any statement?

Secretary LANSING. Gen. Bliss wrote a letter, but it was prior to any settlement.

Senator BORAH. Is that letter available?

Secretary LANSING. That I do not know. It was written to the President.

Senator BORAH. Who signed the letter?

Secretary LANSING. Gen. Bliss.

Senator BORAH. Did the letter purport to be written on the part of anyone other than himself?

Secretary LANSING. Yes; on the part of Mr. White and myself.

Senator BORAH. Can you recall in a general way the contents of the letter?

Secretary LANSING. I should not want to, as it was a letter between Gen. Bliss and the President.

Senator BORAH. Is there any copy of it in the State Department?

Secretary LANSING. There may be. I am not sure.

Senator BORAH. Is it available for the committee?

Secretary LANSING. No; not from me. It is a private communication from Gen. Bliss to the President.

Senator BORAH. Was it in the nature of a protest against what is known as the settlement of the Shantung affair?

Secretary LANSING. No.

Senator BORAH. What was the nature of it, then?

Secretary LANSING. The President had conferred with the commissioners in my office in connection with the Japanese situation, and after we had expressed our general views in regard to the matter the President wanted to know if we would communicate them in writing. Gen. Bliss prepared a letter and showed it to Mr. White and myself, and we said that we concurred in it, and there was no reason why we should write separate letters, as we had nothing to add to it. That was some days before the Shantung settlement. It was a matter of advice, as to our advice to the President.

Senator BORAH. Did the advice correspond with what was afterwards accomplished?

Secretary LANSING. No.

Senator BORAH. Why is not that letter available?

Secretary LANSING. You must ask the President that. He has the letter.

Senator BORAH. Oh, he has it, has he?

Secretary LANSING. It was sent to him. I assume that he has it.

Senator BORAH. Did you see a memorandum which was filed by the experts who were advising the commission with reference to far-eastern affairs, concerning the attempt of the Japanese delegates to control the Chinese settlement and to intimidate the Chinese representatives with reference to Shantung?

Secretary LANSING. Well, I would not say that I saw such a memorandum exactly as you describe it, because we had numerous memoranda on the subject.

Senator BORAH. Was there a memorandum which partook in its general nature of a description or an account of the action of the Japanese delegates toward the Chinese delegates with reference to Shantung?

Secretary LANSING. I have no recollection of such a memorandum.

Senator BORAH. You recollect nothing of that nature?

Secretary LANSING. No; I do not.

Senator HARDING. Senator, may I ask a question right there?

Senator BORAH. Yes.

Senator HARDING. Do you recall, Mr. Secretary, how long a time intervened between the reaching of the Shantung decision and the making public of that decision?

Secretary LANSING. No; I am afraid I do not, Mr. Senator.

Senator HARDING. Was there an unusual lapse of time between the Shantung agreement and the bulletin to the public of the agreement?

Secretary LANSING. No, because my recollection is—and, of course, this is purely recollection—that the decision was reached about May 1; that having been reached by the council of the heads of States, it was sent to the drafting committee to be incorporated in the treaty, and that on the 7th of May the treaty was delivered to the Germans.

Senator WILLIAMS. So that it was about a week?

Secretary LANSING. About a week from the time the council decided it, I should say. Of course, it is pretty hard to carry dates of that sort in your mind with accuracy.

Senator HARDING. There was a longer lapse of time between reaching the Shantung decision and making it public than related to most other agreements, was there not?

Secretary LANSING. Oh, no, a shorter time.

Senator HARDING. You are quite certain about that?

Secretary Lansing. Quite certain about it.

Senator BORAH. Mr. Secretary, one question which I omitted to ask you in regard to the Lansing-Ishii agreement. I wish you would state somewhat at length or fully the construction which the State Department placed and now places upon the Lansing-Ishii agreement with reference to the phrase "special interest in China."

Secretary LANSING. I would prefer to be allowed to make a full statement in regard to that later.

Senator BORAH. Very well. That is satisfactory. At the time that China broke off her diplomatic relations with Germany were any assurances given to China, either directly or indirectly through the American minister at Pekin, with reference to the United States taking an interest in Chinese affairs at Versailles and seeing that her rights were protected?

Secretary LANSING. I can not recall, sir.

Senator BORAH. The record of that would be in the State Department if any such instructions were sent?

Secretary LANSING. Oh, yes.

Senator BORAH. I wish you would make a note of that, and also make a note of the fact as to whether or not that assurance was restated at the time that China actually declared war against Germany. Those are all the questions I desire to ask until we get these other facts.

The CHAIRMAN. Mr. Secretary, a question in connection with Japan. Has there ever been any note or intimation—I will not undertake to describe the form—has there been any note or intimation of any sort from Japan that she would regard any attempt on the part of the United States or its nationals to lend money to China as interfering with Japan there, tending to create disturbance, and that it might be brought up under article 15 of the league?

Secretary LANSING. I never heard of such a thing.

The CHAIRMAN. No such suggestion was ever made?

Secretary LANSING. Never to my knowledge.

The CHAIRMAN. I think it would be as well, as it was up here and Senator Brandegee did not have the paper which he now has, to quote the dispatch which was taken from the New York Times, which says:

PARIS, *August 1*.—Among the documents received by the conference commission is a note from Premier Clemenceau, transmitting a dispatch from President Wilson asking Clemenceau to postpone the publication of the notes of the peace-conference deliberations.

Senator KNOX. It is true, it it not, Mr. Secretary, that under the demands that were made upon China by Japan in 1915, called commonly the 21 demands, one of the demands was that if China needed money for the building of railroads and the development of her resources, she must first apply to Japan?

Secretary LANSING. Yes.

Senator KNOX. Might not that raise a question that would go to the league of nations?

Secretary LANSING. You know she modified those 21 demands?

Senator KNOX. Did she modify that particular one?

Secretary LANSING. Yes; that is my recollection. I should like to make full report on the 21 demands.

Senator KNOX. There was only one other question I wanted to ask you about the Lansing-Ishii agreement. I have not looked at it lately, but as I recollect it the claim of Japan in that agreement, which you acknowledge, is for a special interest throughout China entirely.

Secretary LANSING. Yes.

Senator KNOX. Covering the whole of China.

Secretary LANSING. Yes.

Senator KNOX. Had not her previous claims of special interest been limited to Manchuria?

Secretary LANSING. This made no distinction, except that it was stated that it was on account of the contiguity of territory, and that would naturally apply to Manchuria.

Senator KNOX. My recollection is that as far back as 1912 Japan formulated and presented a claim of special interest, practically in the language of the Lansing-Ishii agreement, except that she limited her special interest to Manchuria. She did not present it as to other portions of continental China. Have you any recollection about that?

Secretary LANSING. No; I have not.

Senator NEW. Mr. Chairman, I should like to ask a question or two, following up Senator Borah's line of inquiry.

The CHAIRMAN. Senator New, Mr. Secretary.

Senator NEW. Mr. Secretary, do you know when China learned of the secret agreements between Great Britain, Russia, France, Italy, and Japan?

Secretary LANSING. No, sir.

Senator NEW. Or any of them?

Secretary LANSING. I never heard.

Senator NEW. Did China at any time make any appeal to the United States with reference to the protection of her territorial interests at the time of the peace conference, asking for the good offices of the United States?

Secretary LANSING. I do not think there was anything formal. Of course China's delegates saw the delegates of the United States and discussed the matter with them.

Senator NEW. There was a discussion?

Secretary LANSING. Oh, yes.

Senator NEW. And it was in the nature of an informal appeal, was it?

Secretary LANSING. I do not want to call it an appeal. It was a discussion of the question, just in the same way that the Japanese delegates discussed the question.

Senator NEW. How did the United States meet that appeal?

Secretary LANSING. The United States could act only as a body, or in the person of the President. I do not know how the President met it. All I know is the informal nature of the conferences between delegates of the American commission and of the Chinese commission which took place.

Senator NEW. Did the United States seek to influence China to enter the war on the side of the Allies?

Secretary LANSING. I would like to make a report on that too. I can not recall just exactly what the course was, and I am afraid that I might make a statement that would not be in exact accordance with the facts.

Senator NEW. I wish you would, Mr. Secretary.

Senator HARDING. We did ask all neutral nations to break relations with Germany, did we not?

Secretary LANSING. Yes.

Senator HARDING. When we broke relations with her?

Secretary LANSING. Yes.

Senator NEW. You do not know, then, whether the President or the American envoys at any time sought to obtain from Japan a guarantee to restore to China the Province of Shantung?

Secretary LANSING. I know there was such an effort made.

Senator NEW. There was such an effort made?

Secretary LANSING. Yes.

Senator NEW. Are you at liberty to state the character and conditions of it?

Secretary LANSING. No; I am not, because it was made entirely by the President.

Senator NEW. But it was made?

Secretary LANSING. Yes.

Senator WILLIAMS. I did not quite understand what the effort was to which Senator New referred.

Senator NEW. An effort to obtain from Japan a guaranty to return to China the Shantung Province and territory that was held by Germany prior to the war.

Senator WILLIAMS. An effort by the United States, do you mean?

Senator NEW. Yes.

Senator HITCHCOCK. And the answer was that the President had made such an effort.

Secretary LANSING. Yes. I do not wish to convey by that word "effort" the idea that there was a failure to do so.

Senator NEW. I understand; but it is understood that you will endeavor to enlarge upon that a little?

Secretary LANSING. No; I can not do that. That is a matter with which the President alone had to do.

Senator HARDING. Do you mean to say, Mr. Secretary, that the effort was not a failure?

Secretary LANSING. I said I could not pass upon that on account of its being a matter entirely with the President, but I did not wish to convey the impression that might be gathered from the word "effort."

Senator NEW. You do know that, as a matter of fact, up to this time no such guaranty has been given? That is correct, is it not?

Secretary LANSING. Well, there is a statement in the morning papers, that is all.

Senator NEW. That informal statement of Uchida?

Secretary LANSING. Yes.

Senator MOSES. There were two statements in the morning paper as I read them, one from the leader of the opposition in the Japanese Diet, which was exactly opposite to the Uchida statement.

Secretary LANSING. One is the statement of the Japanese Government and the other is not.

Senator MOSES. Unless the opposition becomes the majority.

Secretary LANSING. Ultimately, not now.

Senator NEW. Now, Mr. Secretary, I would like to ask a question along a somewhat different line. It is now an admitted fact that there were secret engagements between some of our allies of which the United States was ignorant. Do you know—are there to your knowledge—any other secret agreements between Great Britain, France, and Japan regarding Asia?

Secretary LANSING. Regarding Asia?

Senator NEW. Are there any agreements between them the details of which are not known to the United States?

Secretary LANSING. I do not think so. I do not know.

Senator NEW. Have you reason to believe that there are no such agreements?

Secretary LANSING. I have reason to believe that there are none.

Senator NEW. Would you mind stating what those reasons are? Have you any assurance that there are no such agreements?

Secretary LANSING. I have no assurance except the fact that in connection with the matter of financing China we are working in entire harmony with Great Britain and France.

Senator NEW. Then if it should develop hereafter that there are such agreements you would consider that you had been misled.

Secretary LANSING. Yes.

Senator WILLIAMS. Do you mean by that secret agreements made before we entered into the war or afterwards?

Senator NEW. Either before or afterwards, if there are any agreements between the other nations, our allies, of which we have been kept in ignorance.

Senator WILLIAMS. That is the reason I asked the question, because you used the word allies.

Senator NEW. Allied or associated powers. In the event that such private agreements do exist, the United States not being a party to them, would they not in effect bind the contracting Governments to stand together in their interpretation of them?

Secretary LANSING. Well, that is a rather hypothetical question. That goes into the conscience of nations, and it is rather philosophical.

Senator NEW. Now, Mr. Secretary, in the event that their interpretations of those agreements are contrary to the interests of the United States, what recourse would this Government have?

Secretary LANSING. I should have to know something about the nature of the agreement before I could determine what recourse we could have.

Senator NEW. With reference to the open-door policy in Asia, and the Asiatic trade, Asiatic conditions generally.

Secretary LANSING. Well, I have been assured that the British Government is strongly in favor of the continuance of the policy of the open door and opposed to spheres of influence, and that is by Mr. Balfour.

Senator BORAH. How do you reconcile that with the action of the British Government entering into secret agreements which would give Japanese spheres of influence in affairs in China?

Secretary LANSING. Not more than Germany did.

Senator BORAH. But we are not following German precedents.

Secretary LANSING. It was prior to our being in the war.

Senator BORAH. These same agreements were entered into with Japan for the very purpose of giving her spheres of influence in China, and Great Britain not only entered into that secret agreement but she has exerted her influence to maintain and support it.

Secretary LANSING. Great Gritain has a habit of keeping her treaty obligations.

Senator BORAH. Yes; so I have heard.

Secretary LANSING. They were under peculiar conditions at the beginning of the war, in endeavoring to get Japan into the war in order that Japan might control the Pacific and the Indian Ocean, and prevent German raiders.

Senator KNOX. Was not Japan bound to come in under the Japanese-British alliance?

Secretary LANSING. Yes.

Senator KNOX. Was any special effort required to get her to keep her agreement?

Secretary LANSING. That I could not say.

Senator KNOX. There ought not to have been, ought there?

Secretary LANSING. I do not think so.

Senator MCCUMBER. I would like to ask the Secretary a question if he is through on that subject. If I understood you correctly you preferred to make a full statement as to the Lansing-Ishii understanding.

Secretary LANSING. Yes, sir.

Senator McCUMBER. Are you prepared to do that now as to what it meant and the extent of it?

Secretary LANSING. I should like to make that at a future time.

Senator McCUMBER. That is the only question I want to ask now before we leave. I want to ask some questions about the labor provision, but as that is in the latter portion of the treaty, we may cover that later.

Senator BORAH. I want to ask a question in connection with this same subject matter, with reference to the phrase "regional understanding," in article 21. Would that phrase cover the secret agreement or these special agreements between Japan and Great Britain? Are not those regional understandings?

Secretary LANSING. Well, I confess I do not know.

Senator HITCHCOCK. Do you consider those secret treaties in effect now?

Secretary LANSING. I suppose they are.

Senator HITCHCOCK. Would they be in the event of the adoption of the league of nations?

Secretary LANSING. No; I think that would dispose of them.

Senator HITCHCOCK. They would be abrogated by that?

Secretary LANSING. Yes.

Senator HITCHCOCK. Abrogated then upon the ratification of this treaty by Japan?

Secretary LANSING. Yes.

Senator McCUMBER. Provided they are in conflict with it.

Senator HITCHCOCK. They are specifically denounced.

Senator McCUMBER. To the extent that they are in conflict with it.

Senator NEW. Are you through, Senator Hitchcock?

Senator HITCHCOCK. Yes.

Senator NEW. Mr. Secretary, on that same line, just one question. As article 21 of the league covenant reads, the implication is that there are so-called regional understandings other than the Monroe doctrine. That is the implication. Can you tell us what some of these regional understandings are?

Secretary LANSING. Yes; Morocco, Egypt, certain portions of East Africa.

Senator KNOX. Liberia?

Secretary LANSING. Liberia is another.

Senator NEW. Would it not be well in order to arrive at a complete understanding and to avoid future disagreements, to set forth all the regional understandings that are to be hereafter observed?

Secretary LANSING. You mean in the league?

Senator NEW. Yes. The Monroe doctrine is specifically named as a regional understanding.

Secretary LANSING. It might have been well. That is a matter of opinion, that is all.

Senator NEW. Well, are we to understand, Mr. Secretary, that in joining the league with that article phrased as it is that we accept that definition of the Monroe doctrine?

Secretary LANSING. What definition do you mean?

Senator NEW. As a regional understanding, that we accept that definition of it, that it is a regional understanding.

Secretary LANSING. Yes, I should think so. Yes, it is a regional understanding. It is a phrase that I was not familiar with until it appeared in the covenant.

Senator NEW. Who originated that phrase?

Secretary LANSING. I have not the slightest idea.

Senator NEW. I think we are all alike on that. None of us ever heard of it.

Senator BORAH. The public press attributed it to Col. House.

Senator MCCUMBER. It is an understanding that covers a certain region?

Secretary LANSING. That is it.

Senator MCCUMBER. There is no objection to calling the Monroe doctrine a regional understanding if it covers the Western Hemisphere.

The CHAIRMAN. With whom is the understanding?

Senator MCCUMBER. I would like to have an answer to my question.

Secretary LANSING. Will you please repeat it?

Senator MCCUMBER. I stated that if the Monroe doctrine is a doctrine covering certain regions of the earth, that is the Western Hemisphere, what objection is there to calling it a regional doctrine?

The CHAIRMAN. A regional understanding.

Senator MCCUMBER. Well, a regional understanding.

The CHAIRMAN. With whom is the understanding?

Secretary LANSING. It does go perhaps to make an understanding.

Senator MCCUMBER. If the rest of the world agrees to it there is an understanding.

The CHAIRMAN. They have not, yet.

Senator MCCUMBER. This treaty is supposed that they do acquiesce in it.

The CHAIRMAN. Then, it is to be a regional understanding. It will not be until the treaty is agreed to.

Senator WILLIAMS. Call it by that name in order to keep it from being the Monroe doctrine.

Secretary LANSING. I do not believe I can debate that.

Senator MCCUMBER. My question is, What is the objection to using the term region?

Secretary LANSING. I am not objecting.

Senator NEW. I do not know that it is so much an objection as it is to ask for information.

Senator MCCUMBER. We do not have to draw very heavily on our understanding to know what regional means.

Senator POMERENE. Nor what the Monroe doctrine means.

Senator BORAH. But it would require a good deal of fancy to make the Monroe doctrine to conform with that.

The CHAIRMAN. In speaking about England's dealings with Japan, you said that England had a habit of carrying out her treaties. Was it carrying out her treaty when she said to her ambassador at Tokyo, I think it was—the letter has been published—when he gave out the statement to Great Britain about Japan's demand for the control of the German rights in Canton, that of course it was understood that England would have all the islands south of the Equator? Was that carrying out and fulfilling England's treaty obligations?

Secretary LANSING. With whom, Germany?

The CHAIRMAN. No; was it a treaty obligation before?

Secretary LANSING. I do not think so; no; only she captured the islands; that is all.

The CHAIRMAN. Has England captured those islands?

Secretary LANSING. She captured the islands south of the Equator.

The CHAIRMAN. She captured Samoa.

Secretary LANSING. She took some of the others too.

The CHAIRMAN. Did Japan have some?

Secretary LANSING. That is purely a matter of recollection; but I think subsequently they were turned over to Japan to hold in order to release the British Navy to go to the seat of war.

The CHAIRMAN. I thought those islands were taken by the Australian ships.

Secretary LANSING. Australian. I include those in the British.

Senator BORAH. Mr. Secretary, were you chairman of the commission to try the Kaiser?

Secretary LANSING. Yes; not to try the Kaiser.

Senator BORAH. To prepare for his trial?

Secretary LANSING. The commission known as the commission on responsibilities.

Senator BORAH. What did that have to do with the trial of the Kaiser?

Secretary LANSING. It had to do in this, that there was a question of responsibility as to the authors of the war and responsibility for violations of the laws and customs of war. The commission investigated the matter and reached the unanimous decision that, while it was most reprehensible and there was unquestionable guilt of individuals as to having caused the war, there was no legal process by which they could be tried for such an offense.

Senator BORAH. Then the trial of the Kaiser is not to take place?

Secretary LANSING. I do not say that.

Senator BORAH. Do you know of any legal process by which he could be tried?

Secretary LANSING. No; no legal process; no.

Senator BORAH. We are not going to take part in any process that is not legal?

Secretary LANSING. It is practically an investigation as to his guilt and determination as to what penalty, if any, should be imposed upon him, purely on the grounds of policy.

Senator KNOX. Could they not punish him without trying him, just as they did Napoleon?

Secretary LANSING. Exactly. This is a matter of international policy as to what should be done.

Senator KNOX. Is it not a breach of all precedent and an unheard of thing to try a ruler for a political offense of that character.

Secretary LANSING. There is only one case that I know of, and that is the case of Mary Queen of Scots. She was tried by a foreign authority. She was executed by a foreign authority, and as a matter of policy her son ruled over her executioners and hung the judges that were alive at the time.

Senator KNOX. It was not very popular even at that time, or since?

Secretary LANSING. No.

Senator POMERENE. Capt. Henry Wirz was court-martialed and executed by the United States because of conduct in excess of what was recognized by the rules of warfare. Under that same principle the Kaiser could be tried.

Secretary LANSING. It is a different thing.

Senator WILLIAMS. On what principle of law was Napoleon Bonaparte tried?

Secretary LANSING. None. It was a matter of policy.

Senator WILLIAMS. Just as it is here. They sent Napoleon to Elba, and afterwards to St. Helena, but there was no law by which he could be tried?

Secretary LANSING. No.

Senator KNOX. That is what they ought to do now as to making up this neutral court.

The CHAIRMAN. Mr. Secretary, may I ask you a question?

Secretary LANSING. May I just complete the answer?

The CHAIRMAN. Certainly.

Secretary LANSING. Senator Williams, I am perfectly willing to submit the report to this committee. I am perfectly willing to submit the report of the commission on responsibilities, and the reservations that were made by the American delegates.

The CHAIRMAN. Merely a historical point. Napoleon Bonaparte was a prisoner of war, was he not?

Senator HARDING. The Secretary interests me. You say, "the reservations that were made by the American delegates."

The CHAIRMAN. Can I not ask this question?

Senator HARDING. Certainly; I thought you had.

The CHAIRMAN. I had not gotten the answer. I asked you simply if it is not true that Napoleon Bonaparte went on board the *Bellerophon* and surrendered himself as a prisoner to the British?

Secretary LANSING. Yes.

The CHAIRMAN. And he remained a prisoner of war?

Secretary LANSING. Yes.

The CHAIRMAN. The Kaiser has never done that, has he?

Secretary LANSING. No.

Senator WILLIAMS. But Great Britain did not sentence and did not punish him; the Vienna Congress did that.

Senator MCCUMBER. Mr. Secretary, there is a provision in the treaty itself whereby any officer guilty of any conduct against the rules of war may be extradited and may be tried by a court-martial, is there not?

Secretary LANSING. Yes.

Senator MCCUMBER. The Kaiser was an officer, was he not, in the German Army?

Secretary LANSING. Well——

Senator MCCUMBER. He was an officer in the German Army; and if he was an officer, wherein is he not responsible, while the officers under him, who received their commands through him, are responsible? I mean, under the provisions of the treaty which Germany makes herself?

Secretary LANSING. That was the report of the Commission, with which the United States disagreed; and I am perfectly willing, as I say, to submit the report of that Commission and the memorandum of the United States setting forth its reservations.

The CHAIRMAN. Our delegates disagreed to it, did they not?

Secretary LANSING. We disagreed to that feature.

Senator MCCUMBER. But the Commission found that they had the authority under that part of the treaty?

Secretary LANSING. In regard to violations of the laws and customs of war. The fact is, under that provision it seemed to me there was grave doubt as to whether they could establish the guilt of the Kaiser; and to let him get off scot free would have been a great calamity to the world.

Senator MCCUMBER. Well, of course if they could not establish his guilt under that provision, he would be acquitted?

Secretary LANSING. Yes.

Senator MOSES. Mr. Lansing, you have spoken of a conference held in your office of the five American plenipotentiaries with reference to the Shantung matter. Were such conferences of the plenipotentiaries frequent?

Secretary LANSING. Yes.

Senator MOSES. Were minutes made?

Secretary LANSING. No; none at all.

Senator MOSES. No proces verbaux?

Secretary LANSING. No; they were entirely informal.

Senator MOSES. How many treaties were signed at Versailles on the 28th of June?

Secretary LANSING. Three, I think.

Senator MOSES. The treaty with Germany, the treaty of alliance and the treaty with Poland?

Secretary LANSING. Yes.

Senator MOSES. And there are still three more to be signed?

Secretary LANSING. Three more—four, probably, Austria, Hungary, Bulgaria, and Turkey.

Senator MOSES. Will there be separate treaties of peace with Austria and with Hungary?

Secretary LANSING. Yes; they are separate and distinct States at the present time.

Senator MOSES. Just what was the line of reasoning which led to the conclusion that the United States should become signatory to the treaties with Turkey and Bulgaria, against whom we had not declared war?

Secretary LANSING. I do not know that I can state it. I put the question up to the President and asked him his views, and that was his answer—that he desired us to take part in the negotiations, and if we did take part we would have to sign the treaty.

Senator MOSES. Would you think the Senate would be justified in disregarding those treaties, if they are laid before us, on the ground that we had not declared war against those countries?

Secretary LANSING. You can always make a treaty with a nation, whether you are at peace or have been at war.

Senator MOSES. Yes, certain kinds of treaties; but can you make treaties which are the settlement of acts of war to which we were not a party?

Secretary LANSING. I do not know that there is any limitation. I do not know that there is any case that covers it. Of course there were many that took part in the negotiations and adhered to the treaty that were not parties to the war.

Senator MOSES. Yes, but they were not signatories.

Secretary LANSING. I think they were.

Senator MOSES. In other words, the treaty describes two groups, as the principal allied and associated powers, and then the allied and

associated powers. That would assume, would it not, that they were——

The CHAIRMAN. I thought the signers had all been belligerents. It is so stated in the treaty.

Secretary LANSING. Yes; I think that is correct.

Senator MOSES. I think you will find that they were all belligerents.

Secretary LANSING. Yes; I think they were.

Senator MOSES. Mr. Lansing, you said there were two replies made to the French prime minister with reference to his request about submitting the minutes to the French committee.

Secretary LANSING. Just a moment; I will finish up this other matter first. The President of the Republic of Ecuador was one of the signatories.

Senator MOSES. Ecuador was never a belligerent?

Secretary LANSING. Never a belligerent; also the President of the Republic of Peru.

Senator BORAH. He is belligerent all the time. [Laughter.]

Secretary LANSING. Well, this is a different president.

Senator MCCUMBER. Had they severed diplomatic relations?

Secretary LANSING. The President of the Republic of Uruguay——

Senator MCCUMBER. Had those parties severed diplomatic relations with Germany?

Secretary LANSING. Yes.

Senator MCCUMBER. But they had not become actual belligerents?

Secretary LANSING. No; in the same way that we had with Turkey.

Senator MOSES. But Costa Rica, which had declared war, was not permitted to sign?

Secretary LANSING. She had no member in that conference.

Senator MOSES. Could you enlighten the committee as to why she was not permitted to sit?

Secretary LANSING. I think that no government was permitted to sit as to which there had not been general recognition by all the nations.

Senator MOSES. All the nations at the table?

Secretary LANSING. Yes. Mexico did not sit.

Senator MOSES. With reference to the reply sent to the French prime minister when he asked about submitting the minutes of certain commissions to the French committee, you replied that you thought it was inadvisable to submit them on account of the irritation that might be produced.

Secretary LANSING. Yes.

Senator MOSES. And the language of the press dispatch which the chairman caused to be read into the record was that the President had replied that he wished the submission of those minutes postponed. Are we to assume that this committee may not have those minutes complete before we take action on the treaty?

Secretary LANSING. You mean the minutes of the commission on the league of nations?

Senator MOSES. All the commissions. I understood from Mr. Davis and Mr. Baruch, in their testimony, that there were numerous procés verbaux made up of the meetings of all the commissions and even of the subcommittees.

Secretary LANSING. Yes.

Senator MOSES. Some of which, at least, are of prime importance, as it seems to me, as we study the treaty; and I was wondering from the tenor of your replies this morning whether we were estopped from having those.

Secretary LANSING. Well, I should doubt very much the propriety of it, unless the other governments gave their consent.

Senator MOSES. But this is the day of "open covenants, openly arrived at," Mr. Lansing.

Senator HARDING. That is like the passing of "dollar diplomacy."

Senator POMERENE. Bear in mind the irritation it would be to certain Senators if they did not get it.

Secretary LANSING. Then it is a question of irritation between Senators or Governments, is it?

Senator POMERENE. Both are to be considered.

Senator MOSES. Mr. Lansing, there once was a maxim of the American diplomatic service that there were no secrets between a diplomatic representative and his Government; and I am assuming that in the present instance the Foreign Relations Committee of the Senate and the Senate itself are a portion of the Government in its treaty-making functions, and that the old maxim of their being no secrets between a diplomatic representative and his Government should be maintained with us.

Secretary LANSING. Yes; but you notice it is limited to governments and their diplomatic agents.

Senator MOSES. Well, the plenipotentiaries at Paris were diplomatic agents of the Government?

Secretary LANSING. Yes.

Senator MOSES. And I assume that the Senate, in its treaty-making function, is at the present minute the Government.

Secretary LANSING. Yes.

Senator MOSES. So I hope the old maxim that used to apply when I knew more about the service than I do to-day still applies.

Secretary LANSING. Yes.

The CHAIRMAN. Are there any further questions?

Senator JOHNSON of California. Mr. Secretary, I presume after the selection of the members of the peace conference there were many consultations and conferences among you; were there not?

Secretary LANSING. Where do you mean?

Senator JOHNSON of California. At any place prior to the actual work at Paris.

Secretary LANSING. Oh, yes.

Senator JOHNSON of California. And was there any agreement among you as to the policy which should be pursued by the United States commissioners at Paris? I am not asking you as to what that policy was, but whether or not there was an agreement as to the policy to be pursued.

Secretary LANSING. What do you mean by "policy"?

Senator JOHNSON of California. Was any basis or any foundation upon which subsequently the work should be done at Paris agreed upon?

Secretary LANSING. No; the organization at Paris for working was very largely, as was to be expected, in the hands of the French Government.

Senator JOHNSON of California. Was there any definite policy, then, in the aspect to which I have just alluded, agreed upon by the American commissioners prior to the actual beginning of the sessions at Paris?

Secretary LANSING. Only as to our own work.

Senator JOHNSON of California. That is what I mean.

Secretary LANSING. Oh, yes.

Senator JOHNSON of California. But as to your own attitude, there was an agreement as to policy, was there not?

Secretary LANSING. Generally: yes.

Senator JOHNSON of California. Did you have a foundation or a basis upon which it was agreed you would act in the proceedings at Paris?

Secretary LANSING. I must confess that I do not quite understand your question.

Senator JOHNSON of California. Did you have 14 points that you were going to take as the basis for your activities in the peace conference at Paris?

Secretary LANSING. Yes.

Senator JOHNSON of California. Had it been agreed among the American delegates that those 14 points should be the mode and the measure of the peace?

Secretary LANSING. I do not think it was discussed.

Senator JOHNSON of California. It was not discussed at all?

Secretary LANSING. No.

Senator JOHNSON of California. Was there any agreement as to any particular policy that should be pursued, or did you wait until you reached Paris and then expect to be guided by the circumstances and the exigencies as they arose?

Secretary LANSING. We followed the armistice in that particular.

Senator JOHNSON of California. And was there anything in discussion concerning the 14 points that originally had been laid down as to insistence on those points by the American delegates prior to your activities beginning at Paris?

Secretary LANSING. I do not recall any such; possibly.

Senator JOHNSON of California. Was there any agreement or any understanding among the peace delegates prior to sitting at Paris as to the draft of a league of nations?

Secretary LANSING. Prior to the meeting of the conference?

Senator JOHNSON of California. Yes, sir.

Secretary LANSING. Yes.

Senator JOHNSON of California. Was the draft agreed upon by the American delegates prior to the meeting of the conference at Paris?

Secretary LANSING. No; not absolutely, because what we had was the American plan.

Senator JOHNSON of California. That is what I mean. Had you agreed upon an American plan?

Secretary LANSING. Not definitely, I do not think.

Senator JOHNSON of California. Tentatively?

Secretary LANSING. Well, possibly. It was largely, of course, in the hands of the President, under whose instructions we were and who gave oral instructions to his representatives.

Senator JOHNSON of California. But I assume, of course, that you saw that plan?

Secretary LANSING. I did.

Senator JOHNSON of California. You read it?

Secretary LANSING. Yes.

Senator JOHNSON of California. Generally speaking, you recall what was in it; do you not? I am not examining you now as to what was in it, but do you not generally recall what was in it?

Secretary LANSING. Well, I have rather a hazy idea, because it was not followed up.

Senator JOHNSON of California. What do you mean by "It was not followed up"?

Secretary LANSING. Because it at once went into open consultation, and there was a redraft made. I think the President has sent all those to the Senate; has he not?

Senator JOHNSON of California. If he has, I did not know it.

The CHAIRMAN. They have not been received.

Secretary LANSING. Have not they?

Senator JOHNSON of California. We did ask for them, but I did not know that they had been received.

The CHAIRMAN. We asked for them three weeks ago, but they have not been received.

Senator JOHNSON of California. I might cease this particular sort of inquiry if you can state whether you know whether or not they will be submitted to the Senate.

Secretary LANSING. They will be; those that were taken up and given consideration by the commission.

Senator JOHNSON of California. By the American commission?

Secretary LANSING. No; by the commission on the league of nations.

Senator JOHNSON of California. You said, in answer to a question that was asked you, that you yourself had submitted the general outline of what should be considered by a league of nations. Was that correct?

Secretary LANSING. What I submitted was a proposed resolution for the conference.

Senator JOHNSON of California. Well, of course you preserved a copy of that resolution, did you not?

Secretary LANSING. Yes.

Senator JOHNSON of California. And that resolution now is in the archives of the State Department?

Secretary LANSING. I doubt that, but then I probably have a copy of it.

Senator JOHNSON of California. You have a copy of it; so that if it should be determined that it ought to be produced by you, it could be produced?

Secretary LANSING. Yes.

Senator JOHNSON of California. Can you recall now what was in that particular document?

Secretary LANSING. Only in a general way. I would not want to attempt to recite it.

Senator JOHNSON of California. Can you recall now what was the basis of any draft that was agreed upon by the American commissioners prior to the meeting in Paris?

Secretary LANSING. Well, let me explain. We reached Paris on December 13. The conference did not meet until the 12th of January. We had practically a month of conference.

Senator JOHNSON of California. And during that month you were conferring, not only upon the specific points of the treaty of peace, but conferring, as well, upon the specific points of the league of nations, were you not?

Secretary LANSING. Yes; we were advising the President, who was the authority.

Senator JOHNSON of California. Exactly. But the President sat with you as one of the plenipotentiaries there, and all of you sat together—the President and all of those whom he had appointed?

Secretary LANSING. Yes.

Senator JOHNSON of California. And discussed both the league of nations and the treaty of peace?

Secretary LANSING. Yes.

Senator JOHNSON of California. Now, if I were to read to you what purports to be article 10 of the American draft, would you recognize it, do you think?

Secretary LANSING. I possibly might. I could not tell.

Senator JOHNSON of California. Permit me to read, then, what has been published as article 10 in its original form

Senator WILLIAMS. What original form do you mean, now—the draft of Mr. Lansing?

Senator JOHNSON of California. No; the original American draft. Mr. Lansing says—perhaps you did not hear him——

Senator WILLIAMS. Yes. He said it had been redrafted later.

Senator JOHNSON of California. He says that he presented a resolution himself.

Senator WILLIAMS. Yes.

Senator JOHNSON of California. But that there was a draft—if I am in error, he will correct me—an American draft.

Senator WILLIAMS. Yes.

Senator JOHNSON of California. I am reading what purports to be article 10 of that American draft now.

Secretary LANSING. I suggested this resolution to the President—that is all—as a method of procedure.

Senator JOHNSON of California. Yes, sir.

Senator HITCHCOCK. Will you let me interrupt a moment, Senator? I want to make this clear. Mr. Lansing, you were not a member of the commission of 14 nations that considered the league of nations?

Secretary LANSING. Not at all.

Senator HITCHCOCK. That work was done by the President and Col. House?

Secretary LANSING. Yes.

Senator HITCHCOCK. So that aside from your first discussion with the President, you were not familiar during those long struggles and discussions with the details?

Secretary LANSING. Not at all.

Senator JOHNSON of California. Oh, but I understood you to say that there was a consultation and conference prior to the meeting of the Paris conference—the official conference.

Secretary LANSING. Yes; undoubtedly.

Senator JOHNSON of California. And during that month the league of nations was discussed repeatedly; was it not?

Secretary LANSING. Yes; and it was discussed with the delegates of other countries, too.

Senator JOHNSON of California. Exactly; and discussed in detail?

Secretary LANSING. Yes; but the American commissioners did not hold these discussions as a commission. They were discussed by the President and Col. House, who were going to take part in the commission's work.

Senator JOHNSON of California. And you were a part of the discussions, were you not, prior to the conference?

Secretary LANSING. Not with foreign representatives.

Senator JOHNSON of California. No, no; but with the President and Col. House and with the other members of our peace conference?

Secretary LANSING. Yes.

Senator JOHNSON of California. Certainly.

Senator SWANSON. Before you leave that, Mr. Secretary, you say you presented a resolution. By whom was that resolution to be passed—by the conference?

Secretary LANSING. It was to be passed by the conference.

Senator SWANSON. That was a resolution that the President should offer in the conference?

Secretary LANSING. Yes.

Senator WILLIAMS. You suggested it to the President as what you thought would be probably the American suggestion to the conference? Is that about the idea?

Secretary LANSING. Well, it was really preliminary to the drafting of a covenant.

Senator WILLIAMS. Yes; I understand. It contained your ideas of what ought to be in the covenant—your ideas?

Secretary LANSING. In general terms; yes.

Senator HARDING. With Senator Johnson's permission I want to ask you a question, Mr. Secretary. You said there were conferences and exchanges of opinion on the part of the American commissioners as to the course to pursue. Would you mind saying whether it was decided that the league of nations should be negotiated as the foundation upon which to build the peace treaty?

Secretary LANSING. I do not know that that was discussed. I have no recollection of any such thing.

Senator HARDING. There never was any understanding that the league of nations should be assented to first?

Secretary LANSING. Not to my recollection was any such thing proposed.

Senator HARDING. That is all.

Senator JOHNSON of California. I now read to you what purports to be article 10 in its original form in the American draft of the league of nations, which was published by Mr. Hamilton Holt, vice president of the League to Enforce Peace and editor of the Independent. I read from the copy in the New Republic, on page 5, of its last issue:

The contracting powers unite in guaranteeing to each other political independence and territorial integrity against external aggression; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in racial conditions and aspirations or present social and political relationships pursuant to the principle of self-determination, and also such territorial readjustments as may, in the judgment of three-fourths of the delegates, be demanded by the welfare and manifest interests of the people concerned, may be effected if agreeable to those people and to the States from which the territory is separated or

to which it is added, and that territorial changes may in equity involve material compensation. The contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question whatever of political jurisdiction or boundary.

Do you recognize that?

Secretary LANSING. I can not tell you; no. I would not like to commit myself because I am not sure at all.

Senator JOHNSON of California. Are you familiar with Article X of the present covenant?

Secretary LANSING. Yes.

Senator JOHNSON of California. Do you know whose particular article that was, or who originated it?

Secretary LANSING. I do not, sir.

Senator JOHNSON of California. Do you know whether it was an article that originated with the American commissioners?

Secretary LANSING. That I do not know.

Senator JOHNSON of California. Are you familiar with the fact that the plan that was finally accepted was the plan of Gen. Smuts?

Secretary LANSING. I think it was, with certain modifications.

Senator JOHNSON of California. Do you know what those modifications were?

Secretary LANSING. I could not tell, except by comparing Gen. Smuts' plan.

Senator JOHNSON of California. Have you in your mind now any modifications which you may suggest that were made?

Secretary LANSING. No; I have not.

Senator JOHNSON of California. None at all. Did you have part subsequently, as one of the commissioners, in the adoption finally of the league of nations?

Secretary LANSING. No; except in so far as we received the various drafts for consideration and comment.

Senator JOHNSON of California. Who received the various drafts?

Secretary LANSING. The American commissioners.

Senator JOHNSON of California. Do you mean those of other nations?

Secretary LANSING. I said "the American commissioners."

Senator JOHNSON of California. Yes, I know; but what I meant was, did you receive the drafts of the other nations, or just——

Secretary LANSING. Oh, no; the drafts of the commission.

Senator JOHNSON of California. Of what commission?

Secretary LANSING. The commission on the league of nations.

Senator JOHNSON of California. Were those received before the meeting of the Paris conference, during the month that you were in Paris before the meeting?

Secretary LANSING. The commission was not appointed until the 12th of January.

Senator JOHNSON of California. That is, it was not appointed by the peace conference?

Secretary LANSING. Yes.

Senator JOHNSON of California. But you had been meeting for a month prior to that in Paris with the American commissioners?

Secretary LANSING. Yes.

Senator JOHNSON of California. Now, just again, if you please. Pardon me for the insistence, because I think we may be at cross-

purposes in the matter. What drafts do you refer to now that were submitted to the American commissioners?

Secretary LANSING. I can not tell you exactly. Of course, we had an American draft, and then subsequently there was a preliminary draft that was the basis, I think, of the discussions in the commission on the league of nations. How that was drafted I do not know; and then the commission on the league of nations made corrections and redrafted it, and that went on several times, I think.

Senator JOHNSON of California. In your original suggestions as to what should be included in the league of nations did you have anything in respect to any matter such as Article 10?

Secretary LANSING. Yes.

Senator JOHNSON of California. What was your conclusion in that regard?

Secretary LANSING. Well, you see at that time the President had indicated very clearly his views as to what should be contained as to the matter of guaranties, and so I naturally included that in the resolution that I proposed, basing it very largely on the form that the Panama Treaty took.

Senator JOHNSON of California. Your resolution, then, was subsequent to the agreement on the form—the agreement that had been reached by the commission?

Secretary LANSING. Oh, yes. It was after the commission on the league of nations had met.

Senator JOHNSON of California. So your resolution was designed merely to carry out what had been agreed upon?

Secretary LANSING. Not entirely that; no.

Senator JOHNSON of California. Well, what else?

Secretary LANSING. It was merely a declaration of principle by which the conference would practically indicate its will for the purpose of guiding the commission on the league of nations in its deliberations, which were not completed at that time. It was toward the end of January that I made the suggestion.

Senator JOHNSON of California. It was not with the design of indicating what the league of nations should contain; because that was in what had been submitted to you. Is that correct?

Secretary LANSING. Yes; I think that is correct.

Senator JOHNSON of California. Now, you undertook your duties in connection with the general treaty. Was not the President engaged in those duties as well?

Secretary LANSING. I do not understand you.

Senator JOHNSON of California. You said awhile ago that the committee on the league of nations from America consisted of Col. House and the President.

Secretary LANSING. Yes.

Senator JOHNSON of California. You, I assume, were engaged with your work upon the treaty during that period—the treaty of peace, generally, rather than the league of nations. Is that correct?

Secretary LANSING. Yes; and with the commission on responsibilities, which sat for two months.

Senator JOHNSON of California. Did the President sit with you in those matters at all?

Secretary LANSING. In the commission on the league of nations?

Senator JOHNSON of California. No.

Secretary LANSING. I mean, the commission on responsibilities?

Senator JOHNSON of California. Yes.

Secretary LANSING. No; he had nothing to do with it.

Senator JOHNSON of California. When you began your duties, then, with the general peace commission in the manner which you have indicated, did you commence with a definite plan as to how to arrive at peace or as to what the treaty should contain?

Secretary LANSING. Well, yes; I had a general idea as to what I thought the treaty should contain.

Senator JOHNSON of California. Had there been, in what had transpired prior to that time, any definite basis for the idea that then you had? Were you relying upon the 14 points, or upon the armistice agreement, or upon any particular written matter that had been submitted to the world prior to that time?

Secretary LANSING. No.

Senator JOHNSON of California. Were you working to any specific, definite end in the peace treaty that had been declared prior to that time?

Secretary LANSING. Yes.

Senator JOHNSON of California. That specific, definite end related to specific, definite terms?

Secretary LANSING. In certain cases.

Senator JOHNSON of California. And they had been embraced in what had been declared to the world before that time?

Secretary LANSING. Well, I do not know that they were declared in definite terms in the matter of detail. General principles were declared. They were common-sense principles which anybody would follow.

Senator JOHNSON of California. And it was merely a matter of common sense and general principles upon which you acted?

Secretary LANSING. And an avoidance of policy and expediency.

Senator JOHNSON of California. I beg pardon; I did not catch that.

Secretary LANSING. And an avoidance of the motives of policy and expediency instead of principle.

Senator JOHNSON of California. So that your treaty was founded upon general common sense and the avoidance of policy and expediency?

Secretary LANSING. Embodied in the 14 points, of course.

Senator JOHNSON of California. Well, that is what I am getting at; and I am trying to ascertain whether you were starting with the 14 points as a basis.

Secretary LANSING. I consider those as common sense.

Senator JOHNSON of California. Were you starting with the 14 points as the basis of your peace?

Secretary LANSING. Yes.

Senator JOHNSON of California. Did you carry it out?

Secretary LANSING. I think so.

Senator JOHNSON of California. And does the peace treaty?

Secretary LANSING. As far as possible. Of course you understand, Mr. Senator, if you have been in any negotiations of this kind—I can appeal to Senator Knox, who knows that it is absolutely impossible to get 23 nations to carry out the exact wishes of one.

Senator JOHNSON of California. I am not questioning that.

Secretary LANSING. Well, it sounds so.

Senator JOHNSON of California. I am seeking information upon the subject. Did you, in your opinion, carry out in the peace treaty the 14 points, substantially?

Secretary LANSING. I think we did, substantially.

Senator JOHNSON of California. When you say "substantially," you mean substantially you carried out each particular point embraced within the 14 points?

Secretary LANSING. Well, the treaty was not arranged along the line of the 14 points.

Senator JOHNSON of California. I realize that, but I am getting your view concerning it now.

Secretary LANSING. I think it was.

Senator JOHNSON of California. So that you carried out substantially each of the 14 points?

Secretary LANSING. I think substantially they were carried out.

Senator JOHNSON of California. Were there any resignations of experts during any of the period over there?

Secretary LANSING. There were.

Senator JOHNSON of California. Who resigned?

Secretary LANSING. I can not recall. I think two men resigned.

Senator JOHNSON of California. Can you state who they were?

Secretary LANSING. No; I can not. I do not know.

Senator JOHNSON of California. Do you know the reasons for their resignations?

Secretary LANSING. No; I can not recall that.

Senator JOHNSON of California. Do you know whether or not any of the experts at any time made protests concerning any of the actions or any of the agreements that were made?

Secretary LANSING. Oh, frequently, as a matter of difference of opinion.

Senator JOHNSON of California. Oh, I assume that.

Secretary LANSING. And then lack of knowledge as to the difficulties in certain cases.

Senator JOHNSON of California. You say "lack of knowledge of the difficulties." Anything beyond that?

Secretary LANSING. I do not think of anything.

Senator JOHNSON of California. On the Shantung question, to be perfectly blunt in the matter, was the resignation based on the plain moral issue?

Secretary LANSING. Who resigned?

Senator JOHNSON of California. I do not know; I am asking you if anybody did.

Secretary LANSING. I do not know that any one resigned on that. I never heard of it.

Senator JOHNSON of California. Were there any protests concerning it by any of your experts?

Secretary LANSING. None.

Senator JOHNSON of California. None at all?

Secretary LANSING. Do you mean a written protest?

Senator JOHNSON of California. No; verbal or written.

Secretary LANSING. Why, certainly.

Senator JOHNSON of California. Did not some of them protest upon plain moral grounds against the Shantung decision?

Secretary LANSING. Certainly.
Senator JOHNSON of California. Many of them; did they not?
Secretary LANSING. There were not very many—two.
Senator JOHNSON of California. Well, practically all there were protested; did they not?
Secretary LANSING. Two.
Senator JOHNSON of California. Who were they?
Secretary LANSING. Prof. E. T. Williams and Capt. Hornbeck.
Senator JOHNSON of California. Did not Prof. Williams, in the plainest language, protest against the Shantung decision on moral grounds, because he said the moral question had not been met?
Secretary LANSING. I do not recall it in that form at all.
Senator JOHNSON of California. You recall his protest against it?
Secretary LANSING. Certainly.
Senator JOHNSON of California. Did the captain protest as well?
Secretary LANSING. I do not think he did. I know his views, though. His views were adverse.
Senator JOHNSON of California. His views were adverse?
Secretary LANSING. Yes.
Senator JOHNSON of California. Did Williams resign?
Secretary LANSING. He resigned, but he resigned before any decision had been reached, or anything like it.
Senator JOHNSON of California. Did he resign on account of the Shantung matter?
Secretary LANSING. No.
Senator JOHNSON of California. Did the captain continue or did he resign?
Secretary LANSING. I left him in Paris.
Senator JOHNSON of California. He is still in Paris. Did you have anything to do with the selection of Mr. Bullit to go to Russia?
Secretary LANSING. Only formally, that is all.
Senator JOHNSON of California. Was he selected to go to Russia?
Secretary LANSING. Yes.
Senator JOHNSON of California. Officially?
Secretary LANSING. Officially.
Senator JOHNSON of California. Who selected him?
Secretary LANSING. I can not tell you that, except—well, he was appointed by the commission.
Senator JOHNSON of California. Was it not on the President's suggestion?
Secretary LANSING. No.
Senator JOHNSON of California. Was anybody selected to go to Russia with Mr. Bullit?
Secretary LANSING. That I can not tell you. He may have been asked to take one or two men with him, because we were afraid to have anybody go in there that would not be to an extent immune from attack by the Bolsheviks. That is the only way we could get information.
Senator JOHNSON of California. Did Bullit submit a written report subsequently?
Secretary LANSING. He did.
Senator JOHNSON of California. Is that in the State Department archives?
Secretary LANSING. I do not think it is.

Senator JOHNSON of California. Where it is, if you please?

Secretary LANSING. I think it is in Paris.

Senator JOHNSON of California. Is there any copy of it extant here?

Secretary LANSING. No.

Senator JOHNSON of California. Who has charge of the report over there, Mr. Secretary, please?

Secretary LANSING. Over——

Senator JOHNSON of California. In Paris?

Secretary LANSING. Mr. Polk would have, probably. It might be in the Russian branch of the service.

Senator JOHNSON of California. Did Bullit resign afterwards?

Secretary LANSING. He did. He resigned on account of our attitude toward the——

Senator WILLIAMS. How is that?

Secretary LANSING. Bullit resigned on account of our failure to take up certain—he resigned, really, without specifying the grounds, because he did not like the treaty at all.

Senator JOHNSON of California. During your negotiations at Paris as one of the peace commissioners, what mode was adopted for the preservation of what you were doing?

Secretary LANSING. We had a secretariat.

Senator JOHNSON of California. And were the proceedings stenographically reported?

Secretary LANSING. Of the commission, or what?

Senator JOHNSON of California. Of the actual peace commission.

Secretary LANSING. The American commission?

Senator JOHNSON of California. No; I was speaking of the general commission.

Secretary LANSING. Of the conference? Oh, yes.

Senator JOHNSON of California. There was a stenographer?

Secretary LANSING. Oh, yes.

Senator JOHNSON of California. And the proceedings, all the proceedings, were stenographically reported?

Secretary LANSING. Yes.

Senator JOHNSON of California. Were copies of those proceedings supplied then to the different commissioners?

Secretary LANSING. I think only proces verbaux.

Senator JOHNSON of California. At the end of each day's session?

Secretary LANSING. Well, the conference did not sit continuously, you know.

Senator JOHNSON of California. I mean, at the end of each session rather than each day.

Secretary LANSING. Yes.

Senator JOHNSON of California. So that in your possession, I assume you have those proces verbaux?

Secretary LANSING. Yes.

Senator JOHNSON of California. Covering the entire period?

Secretary LANSING. I think so.

Senator JOHNSON of California. Who has the transcribed stenographic notes of the proceedings?

Secretary LANSING. It is difficult to say. You see, I think there were two stenographic reports, and yet I am not entirely sure about that—one French, and the other English—and in certain cases, in dealing with the Austrians, it was translated into Italian also; so

there were three reports, and where those stenographic reports are I do not know. What we got was the printed proces verbaux after the conference.

Senator JOHNSON of California. At the conclusion of each session I presume in some fashion they were marked so as to indicate their official character?

Secretary LANSING. Oh, yes. They were in print. They were in printed form.

Senator JOHNSON of California. They were in printed form. Are those in your pssession now?

Secretary LANSING. I do not know, but I could find out easily.

Senator JOHNSON of California. I was asked to ask you how many sessions of the conference were held?

Secretary LANSING. That I can not tell.

Senator JOHNSON of California. There is, however, in existence, of course, an absolute and an accurate record of everything that was done by the peace conference?

Secretary LANSING. Yes.

Senator JOHNSON of California. Is there as well in existence an accurate record of all that was done concerning the league of nations?

Secretary LANSING. That I do not know. I have never seen that.

Senator JOHNSON of California. What was it that you wired to or that you assisted in preparing a wire for—I do not just grasp which it was—to Clemenceau concerning the proceedings upon the league of nations?

Secretary LANSING. It was the procés verbal.

Senator JOHNSON of California. The procés verbal?

Secretary LANSING. Of the commission.

Senator JOHNSON of California. Did you deem that the procés verbal—which, I take it, is a recapitulation or a résumé of the proceedings of the particular session, I am correct in that, am I not?

Secretary LANSING. Yes.

Senator JOHNSON of California. Officially gotten up by your representatives?

Secretary LANSING. By the secretary of the commission on the league of nations.

Senator JOHNSON of California. Exactly. It was in relation to the process verbal that Clemenceau was wired that it should not be given to the French Senate?

Secretary LANSING. Yes.

Senator JOHNSON of California. And do you take the same attitude regarding this committee and this Senate regarding the proces verbal of the league of nations?

Secretary LANSING. I should; yes.

Senator JOHNSON of California. On the theory that it would be irritating?

Secretary LANSING. It might be.

Senator JOHNSON of California. Do you mean to other nations?

Secretary LANSING. To other nations; not to this Nation at all.

Senator JOHNSON of California. And because it might be irritating, therefore, your position is that this Senate and our people ought not to be permitted to have the detail of the proceedings?

Secretary LANSING. Of the arguments—that is what it is. It is debate.

Senator JOHNSON of California. Is the proces verbal the arguments?

Secretary LANSING. Yes.

Senator JOHNSON of California. A mere résumé, though?

Secretary LANSING. The debate.

Senator JOHNSON of California. But it is a brief account; it is not an extended account of the debates, is it?

Secretary LANSING. Oh, sometimes quite extensive; much more full than our minutes are in such cases.

Senator JOHNSON of California. Would you object to this committee having them in executive session?

Secretary LANSING. Personally, I have no objection at all. I do not know anything about them. I have never seen them.

Senator JOHNSON of California. If you do not know anything about them, and have never seen them, why should you wire Clemenceau?

Secretary LANSING. On the general principle.

Senator JOHNSON of California. Just what general principle.

Secretary LANSING. On the general principle that I would not submit the proces verbaux of a commission without the consent of all the other governments that were parties.

Senator JOHNSON of California. Without knowing anything about them, without knowing whether they would be irritating, on the general principle that they might be irritating——

Secretary LANSING. Yes.

Senator JOHNSON of California (continuing). You would not permit them to be seen?

Secretary LANSING. Yes; because if you open the door once I know it will make trouble.

Senator JOHNSON of California. Would that be your attitude now, without any knowledge of the situation at all, on the theory that it might be irritating; that in executive session you would not desire——

Secretary LANSING. That would be, until I was shown it was the other way.

Senator JOHNSON of California. Where are those proces verbaux at the present time?

Secretary LANSING. I have not the slightest idea. I have never seen them.

Senator JOHNSON of California. Have you any continuous résumé or recapitulation other than that in the proceedings upon the league of nations?

Secretary LANSING. Just a moment. What was that question?

Senator JOHNSON of California. Other than the proces verbal, have you any account, any résumé, any recapitulation, other than the proceedings of the conference on the league of nations?

Secretary LANSING. No; I have not even that.

Senator JOHNSON of California. Have you any other résumé or any other recapitulation than the proces verbal of the proceedings of the peace conference?

Secretary LANSING. No; I do not think there were any others. I do not know about the minutes, the stenographic minutes. I can not tell you whether I have those or not.

Senator JOHNSON of California. I asked you the question because I did not know but what, for your own personal use or for the use of the American commission, there might have been, other than that, a separate and distinct account.

Secretary LANSING. I have no doubt there was, but I have never used it.

Senator JOHNSON of California. You have never used it?

Secretary LANSING. No; I have never used it.

Senator JOHNSON of California. You were asked by Senator Hitchcock about the secret treaties, and I wanted to make it plain in that regard. Is it not a fact that since the completion of this treaty Britain has announced that she recognizes the treaties she has made in the past, and will stand by those treaties?

Secretary LANSING. Yes.

Senator JOHNSON of California. That is quite true, is it not?

Secretary LANSING. I think it is true.

Senator JOHNSON of California. Is it not a fact that that announcement of hers applies to the league of nations, and did it not specifically apply, in the announcement, to the league of nations as well as generally?

Secretary LANSING. I do not understand your question.

Senator JOHNSON of California. I mean this, that the treaties that are in existence now by which Britain considers herself bound, whether there be a league of nations or no league of nations—Britain considers herself bound by those treaties. That is true, is it not?

Secretary LANSING. Yes.

Senator JOHNSON of California. I am glad I asked you, because I think there was some misapprehension in regard to that—it night have been wholly mine—that these treaties would have been abrogated by the league of nations.

Senator HITCHCOCK. Let me insert in the record what I was referring to. It is article 20. [Reading:]

The members of the league severally agree that this covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof. In case any member of the league shall, before becoming a member of the league, have undertaken any obligations inconsistent with the terms of this covenant, it shall be the duty of such member to take immediate steps to procure its release from such obligations.

Senator BRANDEGEE. There could not be any inconsistency, because in terms they say, in article 21, "treaties of arbitration or regional understandings."

Senator JOHNSON of California. I did not want to argue the question with you at all, but that very point, as I recall the British announcement, was taken up, and Great Britain contended that there was nothing inconsistent in her duties—just as all treaties are assumed by those who make them to be treaties of peace, treaties to prevent war, not offensive treaties at all in their character. Whether they are offensive or defensive in character, the nations making them assume that they are wholly defensive, and Britain, as she says, has observed these treaties and will observe them in the future, notwithstanding any league of nations.

Senator WILLIAMS. In other words, she says that she has not any treaties which are inconsistent.

Senator JOHNSON of California. Exactly.

Senator WILLIAMS. And if that was so, we have no quarrel with her.

Senator JOHNSON of California. Yes, exactly.

Senator HITCHCOCK. That is a matter that would come on China's presentation, and will come before the league of nations on what China has said she will bring before the league of nations at the proper time.

The CHAIRMAN. I think that had better be stated correctly. China said that she would be willing to sign if she could bring it before the league of nations and was not precluded from doing so.

Senator HITCHCOCK. China will present——

The CHAIRMAN. I am talking about what China did; and she was not allowed to sign, even with that reservation.

Senator HITCHCOCK. The representatives of China have said that they proposed to bring it before the league of nations, and that they have a case in court.

Senator BORAH. It will not stay in court very long. [Laughter.]

Senator HITCHCOCK. I wanted to ask a question in connection with the question Senator Johnson asked.

Senator JOHNSON of California. I have a long list here, and we might as well adjourn here for luncheon.

Senator HITCHCOCK. He alluded to this expert here, who is said to have resigned on account of the Shantung agreement.

Secretary LANSING. What expert was that?

Senator HITCHCOCK. Did he resign?

Secretary LANSING. No, he did not—not on that account.

Senator HITCHCOCK. What expert was referred to there?

Secretary LANSING. Bullit, I think.

Senator HITCHCOCK. Senator Johnson was insisting upon having it read that way, "because he considered the Shantung convention immoral"——

Senator JOHNSON of California. No, I have no such intention, and had no such intention. I had no design of that kind.

Senator HITCHCOCK. I will alter it, then.

Senator JOHNSON of California. I think you ought to.

Senator HITCHCOCK. I will say, when the Senator from California was questioning the witness.

Senator JOHNSON of California. That is the better way to put it.

Senator HITCHCOCK. He stated that one of the experts had resigned because he considered the Shantung convention immoral. I want to ask if that expert was engaged as an expert on morals.

Senator WILLIAMS. No; there is only one, that is here.

Senator BORAH. There is only one expert there on morals.

Senator HITCHCOCK. That expert was not there on morals?

Secretary LANSING. No.

Senator BORAH. I just want to ask the Secretary one question. If we desired to have the discussions which went on somewhere in Paris with reference to article 21, the views expressed at the time when they were arriving at the understanding as to what regional understandings mean, etc., what would we call for?

Secretary LANSING. I do not know. I do not think they had stenographic reports.

Senator BORAH. Then there must have been some person whom we could call before this body who would know about it?

Secretary LANSING. Col. House.

Senator BORAH. How soon do you expect Col. House in this country?

Secretary LANSING. I have not any idea.

Senator BORAH. Is there any way by which we could communicate with him and find out?

Secretary LANSING. I suppose so.

Senator WILLIAMS. Wire him.

Secretary LANSING. Wire him.

Senator BORAH. Where could we wire him?

Secretary LANSING. You could reach him through the American embassy in London.

Senator KNOX. In London. Mr. Chairman, in view of the fact that the Senator from California has indicated that he has quite a number of questions to ask, and that we can not complete the examination in one session, I move that we adjourn until 2 o'clock.

Senator SWANSON. Or half past 2.

Senator BORAH. Before we do that let me ask the Secretary this: Could you secure this other information by 2 o'clock, Mr. Secretary?

Secretary LANSING. I doubt it.

Senator BORAH. Very well.

The CHAIRMAN. The Secretary can return to-morrow.

Senator KNOX. Some one has suggested that half past 2 would be a more convenient hour than 2.

Senator SWANSON. Yes; I think so.

Senator KNOX. I will modify my motion, then.

The CHAIRMAN. The motion is that the committee adjourn until half past 2 o'clock. Without objection, that will be done.

(Thereupon, at 12.30 o'clock p. m., the committee adjourned until 2.30 o'clock p. m.)

AFTERNOON SESSION.

The committee met at 2.30 p. m., pursuant to the taking of the recess.

STATEMENT OF HON. ROBERT LANSING, SECRETARY OF STATE—Continued.

The CHAIRMAN. The Senator from North Dakota (Mr. McCumber) is obliged to leave early this afternoon, and would like to ask the Secretary some questions before he goes.

Senator MCCUMBER. Mr. Secretary, can you give us the history, the genesis, of this chapter upon the labor provisions?

Secretary LANSING. No, sir; I can not.

Senator MCCUMBER. You have read it over carefully, I presume?

Secretary LANSING. I have read it; yes.

Senator MCCUMBER. And are acquainted with all of its provisions?

Secretary LANSING. I was at one time. I can not say that I am at the present moment.

Senator MCCUMBER. Do you know who drafted the provisions?

Secretary LANSING. I do not.

Senator MCCUMBER. Nor how they were drafted?

Secretary LANSING. No; I do not.

Senator MCCUMBER. Or how accepted?

Secretary LANSING. No. My recollection is that there were two American representatives on the commission, Mr. Gompers and I think Mr. Shotwell.

Senator MCCUMBER. Mr. Secretary, in order that you may better understand the import of my questions, and answer accordingly, I wish to say that while I can see the propriety of one nation talking to another nation through a council in which each is represented, and submitting its differences where the council represents not a bankers' association, or a mercantile association, or any other individual association, I can scarcely see the propriety of a great nation being called to the bar of condemnation by any particular class or any association. I wish first to call your attention to article 411, on page 505, of the general treaty, the last paragraph before 412, which last paragraph reads as follows:

When any matter arising out of articles 410 or 411 is being considered by the governing body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the governing body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

The matter referred to is the matter of a complaint by one nation against another that it has failed to keep its compact with reference to labor. Under that provision we speak of this governing body here as something superior to the government itself, and say that the government may, with the good grace of the governing body, be entitled to a representative to be heard before this World Labor Union. Do you consider that as a proper position for a great nation to occupy before any class of society or any private organization?

Secretary LANSING. It never was called to my attention before, and I would not want to pass judgment on it without considering just the meaning of it. I could not give snap judgment on it.

Senator MCCUMBER. Let me carry you a step further then. On page 507, the first paragraph, which relates to article 412, provides that each of the members agrees to nominate within six months of the date on which the present treaty comes into force, three persons of industrial experience and so forth. They are to represent the several Governments. On page 507 it says:

The qualifications of the persons so nominated shall be subject to scrutiny by the governing body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present article.

Under that provision if this Government sends a representative selected by this Government, this World Labor Union can say to the United States, "We refuse to recognize the delegate whom you have sent to us, because we doubt whether his views comport with ours upon certain things in the treaty." Is not that the true meaning of it?

Secretary LANSING. So far as the commission of inquiry is concerned, I should say yes.

Senator MCCUMBER. And this commission can veto the action of the Government in sending the delegate whom it sends, if it sees fit?

The CHAIRMAN. Does that apply to Government delegates, or only the other two?

Secretary LANSING. It relates entirely to a commission of inquiry, and all that is agreed is that each of the members agrees to nominate

within six months of the date on which the present treaty comes into force, three persons of industrial experience, of whom one shall be a representative of employers, one a representative worker and one a person of independent standing, who shall together form a panel from which the members of the commission of inquiry shall be drawn.

Senator McCUMBER. Yes. Do you not think in a case of that kind that the Government should have a right to determine whom it should send, and that that representative should not be subject to repudiation by this general governing body? Is not that putting the Government in a rather abject position?

Secretary LANSING. Well, I am not at all sure. I do not know. As I say, I am not familiar with this question. I would have to think this over before answering your question.

Senator McCUMBER. Then let us take article 414 again.

Secretary LANSING. Does this still relate to the labor organization?

Senator McCUMBER. Yes; on the same page, 507:

When the commission of inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

Do you understand that to mean that this governing body, after listening to the report of the commission, may determine that a boycott should be levied against the United States if it failed to put its laborers, for instance, upon the same basis as the laborers of Germany or Great Britain or Norway or Sweden or any other country?

Secretary LANSING. Of course, it does not say any such thing. All it says is that they are to report.

Senator McCUMBER. No; but it says further that they may report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting. Of course, they only report.

Secretary LANSING. That is all.

Senator McCUMBER. But do you think it an appropriate thing for a great Government to put itself in a position in which it should subject itself in honor or in any other way to be hauled up before a commission of this kind to answer as to what it should do with reference to its own labor?

Secretary LANSING. I do not think there is anything out of the way about that at all.

Senator McCUMBER. You would see nothing out of the way?

Secretary LANSING. No.

Senator HARDING. The Senator from North Dakota will observe that if the Government does not see fit to accept the recommendation, then it is determined by the league of nations.

Secretary LANSING. Yes.

Senator BORAH. That is the principle on which the league of nations is built, all the way through.

Senator McCUMBER. Now, please turn to article 419, on page 509: "In the event of any member failing to carry out within the time specified the recommendations, if any, contained in the report of the commission of inquiry, or in the decision of the permanent court of international justice, as the case may be, any other member may take against that member the measures of an economic character indicated in the report of the commission or in the decision of the court as appropriate to the case."

I suppose for the same reason you would see no objection to that provision?

Secretary LANSING. No; I think the objection would be that it restricts the member to taking only such measures.

Senator McCUMBER. Your idea is then——

Secretary LANSING. They could take those measures in any event.

Senator McCUMBER. Your idea is then, that if this governing body of the labor organization should make these recommendations, etc., that the Government should occupy exactly the same position that it would occupy if the recommendations came from the council which speaks for the independent nation and does not speak simply for members of professions, or commerce, or anything inferior to the nation itself.

Secretary LANSING. I have yet to see anything in here that is compulsory upon a member.

Senator McCUMBER. There is nothing that compels the Government unless there is more or less of a moral obligation. Do you think there is no moral obligation when you have signed the treaty to comply with these requirements and to respond to an accusation that you have broken your pledge with these unions, etc.?

Secretary LANSING. It does not seem to me that the gathering of the public opinion of the world and determining what that is in connection with any labor question is a matter that imposes a moral obligation.

Senator McCUMBER. Do you not think there is something more than gathering the opinion of the world when an article like 419 declares that in the event of any member failing to carry out within the time specified the recommendations, if any, contained in the report of the commission of inquiry, or in the decision of the permanent court of international justice, as the case may be, any other member may take against that member the measures of an economic character indicated in the report of the commission or in the decision of the court as approrpriate to the case? There is a little more there, is there not, than gathering the opinion of other nations on these economic problems?

Secretary LANSING. Yes; possibly.

Senator McCUMBER. Now, connecting this up with the balance of the treaty and the league of nations, suppose, for instance, that Great Britain or France should come to the conclusion, or rather the delegates from those two countries who are represented in this governing body should come to the conclusion, that the United States has not fulfilled its obligations relative to any treaty or agreement it had made with reference to labor with any one of these nations, that Great Britain or France should levy a boycott against the United States?

Secretary LANSING. That they should, or that they could?

Senator MCCUMBER. They could do it under that provision, could they not?

Secretary LANSING. Could—not should.

Senator MCCUMBER. Would that be a cause for war?

Secretary LANSING. That always depends on the government that feels itself aggrieved, as to whether it is a cause of war. That is a very wide expression.

Senator MCCUMBER. If the United States as one of the members of league of nations desired to fulfill its obligations which it thought it was in duty bound to fulfill, and Great Britain or France should lay a boycott against the United States because the United States declined to put its labor on an equal footing with that of Great Britain or France, would you consider that we would have cause of complaint against Great Britain, and that it was one of the things that was liable to disturb the peace of the world?

Secretary LANSING. Why, if it operated in the way you suppose, in a hypothetical way, it might disturb the peace of the world, I should think; yes.

Senator MCCUMBER. Then, where would it go for final decision?

Secretary LANSING. I do not know.

Senator MCCUMBER. Would it go to the council, or would it go to this governing body? Which would have jurisdiction of the subject?

Secretary LANSING. I do not know. You will have to give me time to study it. You are asking some very complex questions.

Senator MCCUMBER. I admit it. That is all.

Senator FALL. May I ask a question on that line which possibly will resolve to some extent the complexity? Is it not a fact that if we agree to this treaty, and such a government should use any economic means, by embargo or otherwise against us, that we by the agreement to the treaty would be prevented from using any reprisals at all against that government, and that having agreed to the treaty, if we did use such reprisals or any other means to offset the action of the government using the economic measures against us, we ourselves would be guilty of an act of war under the terms generally of the treaty?

Secretary LANSING. What articles do you refer to?

Senator FALL. All of them.

Secretary LANSING. Oh, well; I can not tell. Eighty thousand words, you know, are too many.

Senator FALL. I supposed you were familiar with the provisions. Do you mean to say, Mr. Secretary, that you do not understand that by article 419, if we disobey the orders of this governing body, the one government being authorized by ourselves to use these means against us, that we are precluded from using any means in self defense against that government?

Secretary LANSING. No; I do not say that.

Senator FALL. You do not consider it in that way?

Secretary LANSING. No.

Senator FALL. That is all.

Senator JOHNSON of California. You, Mr. Secretary, were a signatory not only to the general peace treaty but to the treaty of alliance with France, were you not?

Secretary LANSING. Yes.

Senator JOHNSON of California. When was the first suggestion made of the treaty of alliance with France?

Secretary LANSING. Some time in April.

Senator JOHNSON of California. When was it agreed to? I do not mean when was it consummated by the signatures, but was it agreed to in April?

Secretary LANSING. I think it must have been, but I do not know.

Senator JOHNSON of California. Were you a party to the original conversations concerning it?

Secretary LANSING. No.

Senator JOHNSON of California. You were not brought in until subsequently?

Secretary LANSING. No; I was not brought in before it was proposed.

Senator JOHNSON of California. In April were you a party to the conversations?

Secretary LANSING. Yes.

Senator JOHNSON of California. Then, you know whether or not it was agreed to in April?

Secretary LANSING. No; you misunderstood me, Senator.

Senator JOHNSON of California. Pardon me?

Secretary LANSING. The President conferred with me about it in April before he submitted it to Mr. Clemenceau and Mr. Lloyd-George.

Senator JOHNSON of California. Whose suggestion was it?

Secretary LANSING. The President's. I do not know whether it was his original suggestion, but that was the first I heard of it, was from the President.

Senator JOHNSON of California. The first you heard of it was the President's suggestion to you?

Secretary LANSING. Yes.

Senator JOHNSON of California. And you think that the understanding was accomplished and consummated in April?

Secretary LANSING. I am quite sure that it was.

Senator JOHNSON of California. In sitting in the peace conference you sat there upon the treaty. There was a subcommittee, as I think you have stated, consisting of Col. House and the President, so far as we are concerned, dealing with the league of nations?

Secretary LANSING. Yes; they made the report.

Senator JOHNSON of California. It was discussed there, was it not?

Secretary LANSING. In a measure.

Senator JOHNSON of California. Were you a party to the discussion?

Secretary LANSING. No; I took no part in it.

Senator JOHNSON of California. You took no part in it at all?

Secretary LANSING. No.

Senator JOHNSON of California. Does the French alliance contravene article 20 of the league of nations covenant, in your opinion?

Secretary LANSING. No; it is supplementary to it.

Senator JOHNSON of California. Additional to it?

Secretary LANSING. Yes.

Senator JOHNSON of California. Could any offensive and defensive alliance under article 20 of the league of nations be made, in your opinion?

Secretary LANSING. I will have to look at that.

Senator NEW. Page 35.

Secretary LANSING. No; I do not think it affects it.

Senator JOHNSON of California. That is, any offensive and defensive alliance might be made that would be within the purview of the league of nations.

Secretary LANSING. Yes.

Senator JOHNSON of California. This morning in answering me you said that one of the ideas—I do not quote you verbatim, and correct me please, if I misquote you, as I have no such intention, of course—one of the ideas that you had in offering this treaty was that expediency should not rule principle. That is substantially your language, I think.

Secretary LANSING. Yes.

Senator JOHNSON of California. Did that prevail in the Shantung decision?

Secretary LANSING. Not entirely; no.

Senator JOHNSON of California. In your opinion it did not?

Secretary LANSING. In my opinion it did not.

Senator JOHNSON of California. And in the opinion of the other American representatives whom you named, Gen. Bliss, yourself, and Mr. White, that was the opinion was it not?

Secretary LANSING. I think so.

Senator JOHNSON of California. Was the Shantung decision made in order to have the Japanese signatures to the league of nations?

Secretary LANSING. That I can not say.

Senator JOHNSON of California. In your opinion was it?

Secretary LANSING. I would not want to say that, because I really have not the facts on which to form an opinion along that line.

Senator JOHNSON of California. Would the Japanese signatures to the league of nations have been obtained if you had not made the Shantung agreement?

Secretary LANSING. I think so.

Senator JOHNSON of California. You do?

Secretary LANSING. I think so.

Senator JOHNSON of California. So that even though Shantung had not been delivered to Japan, the league of nations would not have been injured?

Secretary LANSING. I do not think so.

Senator JOHNSON of California. And you would have had the same signatories that you have now?

Secretary LANSING. Yes; one more, China.

Senator JOHNSON of California. One more, China. So that the result of the Shantung decision was simply to lose China's signature rather than to gain Japan's?

Secretary LANSING. That is my personal view, but I may be wrong about it.

Senator JOHNSON of California. Why did you yield on a question on which you thought you ought not to yield and that you thought was a principle?

Secretary LANSING. Because naturally we were subject to the direction of the President of the United States.

Senator JOHNSON of California. And it was solely because you felt that you were subject to the decision of the President of the United States that you yielded?

Secretary LANSING. Yes.

Senator JOHNSON of California. The decision is his?

Secretary LANSING. Necessarily.

Senator JOHNSON of California. Will you state the reason that he gave for making the decision?

Secretary LANSING. I do not recall that he stated any.

Senator JOHNSON of California. Did you on any occasion hear reasons given by the President for making the Shantung decision in contravention of the views expressed by the rest of you?

Secretary LANSING. I do not recall any.

Senator JOHNSON of California. Was Col. House in like mind with you in respect to the Shantung matter?

Secretary LANSING. I never discussed it with Col. House.

Senator JOHNSON of California. Did any of the American representatives discuss it with Col. House, so far as you recall?

Secretary LANSING. So far as I recall, no.

Senator JOHNSON of California. Do you know at all his opinion upon the subject?

Secretary LANSING. No, I do not. I never discussed it with him.

Senator JOHNSON of California. Why?

Secretary LANSING. Well, it never came up in our conversation. The matter was ended.

Senator JOHNSON of California. It was a matter, at the time you addressed your note to the President, that you felt was of great importance, did you not?

Secretary LANSING. Yes.

Senator JOHNSON of California. And it was a matter upon which you three gentlemen felt so keenly that you addressed your note to the President?

Secretary LANSING. Yes.

Senator JOHNSON of California. On what theory did you not consult the other member of the delegation?

Secretary LANSING. He was not present at our meeting when we discussed it.

Senator HITCHCOCK. Senator, has not the witness already stated that the reason why he wrote that note was because the President requested him to put in writing something that he had said in conversation? It was the request of the President that led to that note.

Secretary LANSING. That is it. I stated that.

Senator JOHNSON of California. Then you had expressed verbally, the three of you, your opinion to the President, when you wrote the opinion?

Secretary LANSING. Yes; and Col. House was there.

Senator JOHNSON of California. Did Col. House express any opinion?

Secretary LANSING. No; I think not. I do not recall.

Senator JOHNSON of California. But the opinions that you expressed were substantially what you put into that note?

Secretary LANSING. Yes; substantially.

Senator JOHNSON of California. This morning you said that this treaty had substantially carried out the 14 points. I begin with point No. 1. [Reading:]

Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

That was impossible of fulfillment at the Paris conference, was it not?

Secretary LANSING. Of course, no negotiation can go on between nations that is done in public at public hearings. That is quite out of the question. That is the meaning.

Senator JOHNSON of California. You did not carry that out at the Paris peace conference?

Secretary LANSING. Yes; its meaning.

Senator JOHNSON of California. It was carried out at the Paris peace conference?

Secretary LANSING. I should consider it was.

Senator JOHNSON of California. The second one [reading]:

Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

Was that carried out?

Secretary LANSING. There was nothing done with it.

Senator JOHNSON of California. Nothing at all? Why?

Secretary LANSING. It never was raised.

Senator JOHNSON of California. Is it not a fact that England would not permit it to be done?

Secretary LANSING. It never was raised.

Senator JOHNSON of California. Did she not, before you met, say she would not permit the question of the freedom of the seas to be discussed?

Senator BRANDEGEE. Said she would not allow it to be considered.

Secretary LANSING. That was not made except by men on the stump.

Senator JOHNSON of California. In England?

Secretary LANSING. In England.

Senator JOHNSON of California. Not officially?

Secretary LANSING. Not officially.

Senator BORAH. It was made by the premier.

Secretary LANSING. He made it on the stump. It was before the election. [Laughter.]

Senator JOHNSON of California. All right. Why was it not considered then at the Paris peace conference?

Secretary LANSING. I do not know, sir.

Senator BORAH. That was one election pledge that was carried out. [Laughter.]

Senator JOHNSON of California. Three. [Reading:]

The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

Was that carried out?

Secretary LANSING. I think so.

Senator JOHNSON of California. Wherein?

Secretary LANSING. Where has it not been? That is the point.

Senator JOHNSON of California. Do you say that that has been in every respect?

Secretary LANSING. So far as I can recall.

Senator JOHNSON of California. Four. [Reading:]

Adequate guaranties given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

Secretary LANSING. That has been, so far as possible.

Senator JOHNSON of California. Where is that done?

Secretary LANSING. In the league of nations provision for disarmament.

Senator JOHNSON of California. But there is not any provision except what is optional with any particular nation in relation to disarmament.

Secretary LANSING. It is not entirely optional.

Senator JOHNSON of California. Is it not?

Secretary LANSING. Let us look at it.

Senator JOHNSON of California. Can you state from memory what is provided in the league of nations on disarmament?

Secretary LANSING. From memory? I prefer to look.

Senator JOHNSON of California. Are you under the impression, Mr. Secretary, that the league of nations does disarm all nations?

Secretary LANSING. It has that intention.

Senator JOHNSON of California. It has that intention, but it does not do the act, does it?

Secretary LANSING. Not directly.

Senator JOHNSON of California. Are you not familiar with the fact that it leaves it optional with every nation whether or not there shall be ultimate disarmament?

Secretary LANSING. No; I am not, sir.

Senator JOHNSON of California. If you want to examine those provisions, Mr. Secretary——

Senator HARDING. Page 23, Mr. Secretary.

Senator BORAH. Article 8.

Secretary LANSING (reading):

The members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Senator JOHNSON of California. In your opinion, that causes the various Governments to disarm, does it?

Secretary LANSING. It is only the moral obligation that has been urged here frequently.

Senator JOHNSON of California. It is optional with each Government whether it does disarm, is it not?

Secretary LANSING. Always so. That is true in practically the entire covenant.

Senator JOHNSON of California. You do not accomplish disarmament by the league of nations?

Secretary LANSING. Oh, probably not in exact terms.

Senator KNOX. Do you mean to say that there is complete liberty of action in respect to all features of the covenent?

Secretary LANSING. No; I say practically this, that every nation ultimately has the veto.

Senator KNOX. Then, it has that liberty of action?

Secretary LANSING. It has. There is no more modification of our sovereignty than there was in the case of the Panama treaty.

Senator KNOX. What was guaranteed there?

Secretary LANSING. The sovereignty of Panama.

Senator JOHNSON of California. Five. [Reading:]

A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined.

Was that carried out in the peace treaty?

Secretary LANSING. It has not been, entirely, yet.

Senator JOHNSON of California. You hope that it will be, eventually?

Secretary LANSING. I do.

Senator JOHNSON of California. Carried out voluntarily by what machinery of the peace treaty?

Secretary LANSING. Possibly under a system of mandates.

Senator JOHNSON of California. Under a system of mandates?

Secretary LANSING. Yes.

Senator JOHNSON of California. By the way, are there any mandatories undertaken by the United States?

Secretary LANSING. I think not.

Senator JOHNSON of California. Any suggestion for mandatories?

Secretary LANSING. Many.

Senator JOHNSON of California. Any now that are in contemplation that the United States should undertake?

Secretary LANSING. Not to my knowledge.

Senator JOHNSON of California. Any that the United States has tentatively agreed to?

Secretary LANSING. None.

Senator JOHNSON of California. But at any rate at the peace conference this fifth point was carried out only in prospective——

Secretary LANSING. It could not be.

Senator JOHNSON of California. By virtue of what might be done ultimately under mandatories?

Secretary LANSING. Yes.

Senator JOHNSON of California. Six. [Reading:]

The evacuation of all Russian territory—

I will not read the sixth clause unless you wish it read. There was nothing done respecting Russia at the peace conference definitively?

Secretary LANSING. No; there could not be.

Senator JOHNSON of California. Seventh, which relates to Belgium, and I assume is entirely carried out by the peace treaty.

The eighth relates to the French territory. [Reading:]

All French territory should be freed and the invaded portions restored.

Secretary LANSING. Yes.

Senator JOHNSON of California. Nine. [Reading:]

A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

Was that done?

Secretary LANSING. It has not been settled yet.

Senator JOHNSON of California. It is still in process of settlement?

Secretary LANSING. Yes. It does not come under the German treaty.

Senator JOHNSON of California. Ten. [Reading:]

The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

Has that been done?

Secretary LANSING. I think so.

Senator JOHNSON of California. In all eleven. [Reading:]

Rumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guaranties of the political and economic independence and territorial integrity of the several Balkan States should be entered into.

Was that done?

Secretary LANSING. Not yet. The treaties have not been made covering that.

Senator JOHNSON of California. Twelve relates to the Turkish Empire, the Ottoman Empires, which I presume are in process of adjustment, and have not been made as yet by the German treaty?

Secretary LANSING. Not yet.

Senator JOHNSON of California. Thirteen. [Reading:]

An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

Has that been accomplished?

Secretary LANSING. Yes.

Senator JOHNSON of California. XIV relates to the association in a league of nations. So that you feel that your answer this morning, that substantially all of the 14 points have been carried out, is correct, do you?

Secretary LANSING. I do, sir.

Senator JOHNSON of California. The Shantung decision, was that within any of the 14 points?

Secretary LANSING. Well, I do not recall what one.

Senator JOHNSON of California. It was rather contrary to some, was it not?

Secretary LANSING. I do not know which one you refer to. Which point do you refer to?

Senator JOHNSON of California. Well, there is one concerning racial characteristics, and the like, that I thought it might be contrary to.

Secretary LANSING. I thought that was especially in relation to Austria-Hungary.

Senator JOHNSON of California. And one in relation to Italy, too. There was another point about self-determination; that might cover that.

Secretary LANSING. In the 14 points?

Senator JOHNSON of California. It was in a subsequent address containing four additional points, if you recall, called general statement. It hardly would come under the consummation of self-determination, would it?

Secretary LANSING. No; I should think not.

The CHAIRMAN. If the Senator from California will allow me to interrupt. We have four points laid down at Mount Vernon the 4th of July, 1918, and the second one is:

> The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.

That seems to me, perhaps, to cover the Shantung case.

Senator JOHNSON of California. Yes; I presume that I am not incorrect in saying that that violates the Shantung decision, violates the provision that has been read, does it not?

Secretary LANSING. Yes.

Senator JOHNSON of California. When the American delegates went to Paris, did they have any particular or specific ideas in reference to reparations?

Senator BORAH. Senator Johnson, before you take that up, will you permit me to ask a question?

Senator JOHNSON of California. Surely.

Senator BORAH. Mr. Secretary, after the decision in the Shantung affair, after this adjustment finally found itself in the treaty, I have been informed that either the President or some representative of the President notified the Chinese delegates as to the settlement that had to be made. Do you know who it was that notified them, whether it was the President or some other person?

Secretary LANSING. No.

Senator BORAH. Or whether some other individual.

Secretary LANSING. I can not tell you that.

Senator BORAH. Do you know anything about the communication which was carried to them, the message which was taken to them, and the explanation which was given to them?

Secretary LANSING. Well, I knew something about it, but I can not recall what.

Senator BORAH. Before you return to the stand, if you have any information in the State Department or any memorandum of your own by which you could give me the information as to who carried that message, whether it was the President or some one for him, I would be glad to have it.

Secretary LANSING. I can assure you now that I have no such memorandum.

Senator JOHNSON of California. Do you recall that a message was taken to them?

Secretary LANSING. There was some communication taken to them. In what form it was given I am not at all sure.

Senator JOHNSON of California. Do you know whether or not the Chinese were denied the right of attaching their signature to the treaty, with a protest?

Secretary LANSING. That I do not know. I heard so.

Senator JOHNSON of California. Do you know whether or not they were denied the right of signature to the treaty with a reservation?

Secretary LANSING. That would be the same thing.

Senator JOHNSON of California. By whose authority was that done?

Secretary LANSING. It would naturally be done by the heads of the States.

Senator JOHNSON of California. Only by the heads of States?

Secretary LANSING. Of the council.

Senator JOHNSON of California. Not by the general peace conference?

Secretary LANSING. No.

Senator KNOX. Was anybody allowed to sign with protest?

Secretary LANSING. No; there was no one.

Senator KNOX. Did not Smuts make a protest?

Secretary LANSING. Yes; but he signed the treaty without it.

Senator KNOX. Without the protest?

Secretary LANSING. Yes, sir.

Senator POMERENE. That is, without incorporating it as a part of his signature?

Secretary LANSING. Yes.

Senator KNOX. But he did it at the time of affixing his signature, did he not?

Secretary LANSING. It was issued later.

Senator JOHNSON of California. Could you tell me whether or not in the American draft of the league of nations a central international police power was proposed?

Secretary LANSING. That I do not know. In the American draft?

Senator JOHNSON of California. Yes.

Secretary LANSING. I do not know, but my recollection is there was not, but I would not want to commit myself on the subject.

Senator JOHNSON of California. Do you know whether there was an international police power under an international management and control, under which each nation should contribute its proportionate share of naval armament, etc., whether that was a part of the American proposal?

Secretary LANSING. I do not, but my impression would be that there was not.

Senator JOHNSON of California. Do you recall any discussion upon that particular subject?

Secretary LANSING. No; I do not.

Senator JOHNSON of California. Can you recall whether or not England objected to any such provision and said that she would not permit it?

Secretary LANSING. No; I do not know. I never had any discussion with the British on the subject.

Senator JOHNSON of California. Did you discuss personally with any of the foreign commissioners the various provisions of the league of nations?

Secretary LANSING. I did not but once, that was very early in the proceedings, and it was very general.

Senator JOHNSON of California. And subsequently to that time you did not at all?

Secretary LANSING. Not at all, not after the commission was organized.

Senator JOHNSON of California. There was a very dramatic dispatch that came over to this country at the time of the Shantung decision which stated, as I recall it, substantially that the question arose and then the Japanese commissioners said that the matter had been determined, and upon the President's inquiry as to how it had been determined, it developed then for the first time that the secret

treaties existed between Japan and the British, Japan and France, and Japan and Italy, concerning the disposition of Shantung. Is that an accurate statement?

Secretary LANSING. I do not know. I never heard of it except in the newspapers.

Senator JOHNSON of California. You probably saw that item that was cabled across as one of the dramatic incidents of the peace conference?

Secretary LANSING. Yes.

Mr. JOHNSON of California. When that occurred you were not present?

Secretary LANSING. I was not present and knew nothing of it.

Senator JOHNSON of California. Were not the secret treaties a matter of discussion constantly at the peace conference.

Secretary LANSING. No.

Senator JOHNSON of California. Were you familiar with the treaties that had been made after the commencement of the war concerning the disposition of territory by the different belligerents?

Secretary LANSING. I was more familiar with the London agreement, that affected the Italian boundaries, than any other.

Senator JOHNSON of California. Were you familiar with any other agreements between——

Secretary LANSING. No.

Senator JOHNSON of California. Did you know that any such existed?

Secretary LANSING. No.

Senator JOHNSON of California. Did you not read of them at the time of the Russian revolution?

Secretary LANSING. Yes; I knew about the British and the Japanese treaty.

Senator JOHNSON of California. Yes; but did you not read of other treaties as well?

Secretary LANSING. No.

Senator JOHNSON of California. Did you not ever know of such treaties?

Secretary LANSING. No.

Senator JOHNSON of California. Do you know now of any such treaties as to territorial disposition except those that you have mentioned?

Secretary LANSING. No.

Senator JOHNSON of California. Do you know whether or not any treaties were made with reference to Syria, Mesopotamia, and the like?

Secretary LANSING. No; I have read of it since.

Senator JOHNSON of California. Since you came home?

Secretary LANSING. Yes.

Senator JOHNSON of California. Before you came home you never heard of it at all?

Secretary LANSING. I may have heard of it at Paris, but whether there was discussion of it, I have no recollection.

Senator JOHNSON of California. Do you know whether or not the territorial disposition made under the treaties and those that are being made, are being made in accordance with the secret treaties?

Secretary LANSING. You mean in Turkey?

Senator JOHNSON of California. Those in regard to Mesopotamia, Syria, and Turkey; yes.

Secretary LANSING. I do not know.

Senator JOHNSON of California. You do not know whether there were any treaties made during the war or not?

Secretary LANSING. No; because I never paid any attention to that.

Senator JOHNSON of California. But you did in the Shantung decision?

Secretary LANSING. I mean outside of that.

Senator JOHNSON of California. Outside of that? I think I can refresh your recollection, perhaps. Do you not recall the publication, even in this country, of the treaties for the disposition of territory that were made among the belligerents during the war?

Secretary LANSING. Well, I wish to be a little more definite. To what belligerents do you refer? What territory?

Senator JOHNSON of California. France, England, and Italy.

Secretary LANSING. I do not know. I knew about the London agreement.

Senator JOHNSON of California. You knew about the pact of London?

Secretary LANSING. Yes.

Senator JOHNSON of California. Do you know what that disposed of?

Secretary LANSING. That disposed of the territories along the Adriatic in northern Italy.

Senator JOHNSON of California. Did it dispose of any territories in Turkey, Syria, or Mesopotamia?

Secretary LANSING. I think not.

Senator JOHNSON of California. Do you know whether or not any of the treaties did dispose of any of the territories in those countries?

Secretary LANSING. I have heard that there were certain treaties, but I have never seen them and do not know.

Senator JOHNSON of California. You said that you had heard of those only since you have returned.

Secretary LANSING. I only say that I may have heard of them in Paris, but I paid no attention to the matter of considering the Ottoman questions.

Senator JOHNSON of California. Well was the pact of London recognized at the peace conference?

Secretary LANSING. No, you can not say that it was.

Senator JOHNSON of California. You mean by that that it was not wholly recognized?

Secretary LANSING. No, it was not wholly recognized.

Senator JOHNSON of California. Was it not generally recognized?

Secretary LANSING. It was recognized in the north, but not on the Adriatic.

Senator JOHNSON of California. That is because that particular matter is not yet settled?

Secretary LANSING. It is not yet settled.

Senator JOHNSON of California. But so far as there has been a consummation, the pact of London was recognized?

Secretary LANSING. Yes.

Senator JOHNSON of California. Do you know whether upon any previously executed treaty the territorial dispositions are now being made in the peace conference?

Secretary LANSING. No.

Senator WILLIAMS. Mr. Lansing, this treaty between Great Britain and Japan and the treaty between France and Japan, and Italy and Japan, these treaties were all entered into before or after Japan had conquered the part of Shantung which she did conquer from Germany?

Secretary LANSING. Mr. Senator, I never have seen the text of any one of those treaties, and I am not at all sure when they were entered into.

Senator WILLIAMS. As a matter of fact Japan did reconquer from Germany the part of Shantung which Germany had held?

Secretary LANSING. Yes.

Senator WILLIAMS. Now you do not know whether her agreement with Great Britain and France antedated that conquest or postdated it.

Secretary LANSING. I can not tell you.

Senator BORAH. I was going to give him the dates. They were made in March and February, 1917.

Senator WILLIAMS. Which ones?

Senator BORAH. The secret treaties.

Secretary LANSING. They were made in 1916, not 1917.

Senator BORAH. I think you are mistaken.

Senator WILLIAMS. If they were made in 1917, they were made after Japan had conquered the country.

Secretary LANSING. Yes.

Senator WILLIAMS. Senator Johnson was questioning you about Mesopotamia. The Mesopotamian question as well as the Syrian and Armenian questions will have to be settled in the treaty with Turkey?

Secretary LANSING. Yes.

Senator WILLIAMS. But that treaty has not been negotiated?

Secretary LANSING. Not at all.

Senator WILLIAMS. And whatever treaty is effected by the allied and associated powers, or rather the allied powers, that treaty of peace with Turkey will settle those questions!

Secretary LANSING. Yes.

Senator WILLIAMS. Is there any reason why the United States should be a party to a treaty of peace with Turkey? We never had any war with Turkey, did we?

Secretary LANSING. I answered that earlier.

Senator WILLIAMS. Did you? Very well, I beg your pardon.

Secretary LANSING. The thought of the President had been that we should be a signatory to the treaty in that we took part in the negotiations with them.

Senator WILLIAMS. Yes; I understand that. There was no reason why we should establish peace with Turkey, not having had war with her?

Secretary LANSING. Oh, no; absolutely not.

Senator WILLIAMS. And therefore we are not necessarily parties to that treaty. Now, I want to ask you another question. This treaty between Italy on the one hand and Great Britain and France upon the other as to the Dalmatian coast, that part of Italy Irredenta, as it was claimed, in which they agreed that it should go to Italy at the end of the war—did that treaty include the town of Fiume?

Secretary LANSING. No.

Senator WILLIAMS. Italy, then, in contending for the town of Fiume, is contending not only for all the so-called secret treaty arrangements made with her, but is contending for more?

Secretary LANSING. Yes. Of course I confess I do not quite understand the line of these questions, because I do not see what they have to do with the treaty of peace with Germany.

Senator WILLIAMS. The line of the questions is to attack the treaty and the league of nations.

Secretary LANSING. I know, but I am simply trying to answer what will be useful in connection with the German treaty.

Senator BORAH. Mr. Secretary, I think you will find that those special agreements, secret agreements, were made on the following dates: The British agreement February 16, 1917; the French agreement March 3, 1917; the Russian agreement February 20, 1917; the Italian agreement March 7, 1917.

Senator WILLIAMS. And all of that was after Japan had conquered the German possessions in Shantung.

Senator BORAH. And just before Ishii came over here to get his agreement with this country.

Secretary LANSING. No; Ishii——

Senator BORAH. No; it was in November, 1917.

Secretary LANSING. 1917.

Senator WILLIAMS. That what took place—oh, that Ishii made his agreement?

Senator BORAH. Yes.

Senator WILLIAMS. I was not talking about the Ishii agreement.

Senator JOHNSON of California. Does the fact that is apparently established now, that these secret treaties were made before your agreement with Ishii, bring to your mind any of the particular conditions?

Secretary LANSING. No; I would have to refresh my memory on that.

Senator JOHNSON of California. You do not recall that you had in mind these treaties at all?

Secretary LANSING. I did not know about these treaties at that time.

Senator JOHNSON of California. You did not know about these treaties at the time of the Lansing-Ishii agreement, as it is called?

Secretary LANSING. No.

Senator JOHNSON of California. You said you did not understand the exact line of the questions that I was asking. I do not wish to be repetitive or insistent, but I ask you again, do you not remember the publication even in this country of the treaties for the disposition of territory, after the war and in the peace, of the various belligerents?

Secretary LANSING. No, sir; I confess I do not. When were they published?

Senator JOHNSON of California. They were published—I got my copies in the New York Evening Post.

Secretary LANSING. At what time?

Senator JOHNSON of California. Oh, it was a long time ago; I can not tell you how long ago; long before the armistice, you know, during the war.

Secretary LANSING. Well, possibly that is so.

Senator JOHNSON of California. During the war they were first published?

Secretary LANSING. Yes; I do not remember at all.

Sentor POMERENE. May I ask, for my own information, are you referring now to the publication of these treaties as made by the Russian Government?

Senator JOHNSON of California. Yes; I think Kerensky published them first, and then they appeared in the New York Evening Post.

Senator POMERENE. I remember seeing them there.

Senator JOHNSON of California. I can not ask you anything about that because you say you do not know anything about those secret treaties, but if it was demonstrated as a fact that the territorial administrations were made and were being made in Paris according to those secret treaties—but I will no ask you anything about those secret treaties because you are not familiar with them. I make that explanation because you said you did not understand the trend of the questions I asked.

Secretary LANSING. You mean in connection with the German treaty?

Senator JOHNSON of California. Not only in connection with the German treaty, but in connection with the treaties that are being made now. However, I pass that because of your unfamiliarity with the various treaties.

Now, did the American commissioner have any particular theory concerning reparations under the German treaty?

Secretary LANSING. That question also I would like to know what you mean by. We had the general theory in regard to reparations that Germany could never pay for the damage that she had caused, and that she should pay just so far as she was able. That was the whole policy of our commission.

Senator JOHNSON of California. To determine how much she could pay, and assess it against her?

Secretary LANSING. Yes.

Senator JOHNSON of California. Did you do it?

Secretary LANSING. So far as possible.

Senator JOHNSON of California. How did you do it?

Secretary LANSING. How do you mean?

Senator JOHNSON of California. How did you assess what she should pay?

Secretary LANSING. We have not assessed what she should pay.

Senator JOHNSON of California. That is what I asked you.

Secretary LANSING. It could not be done.

Senator JOHNSON of California. It could not be done?

Secretary LANSING. It could not be done.

Senator JOHNSON of California. It has not been done.

Secretary LANSING. No.

Senator JOHNSON of California. Is it a possibility that it shall be done?

Secretary LANSING. Yes.

Senator JOHNSON of California. Through the reparation commission?

Secretary LANSING. Yes.

Senator JOHNSON of California. When that has determined the amount to be assessed?

Secretary LANSING. Yes.

Senator JOHNSON of California. Which is left indefinite at the present time?

Secretary LANSING. Yes, because they can not tell. They discussed that.

Senator JOHNSON of California. And it is left to the Reparation Commission to assess such sum as they may deem appropriate?

Secretary LANSING. No; it is based on the ability of Germany to pay, and the relative——

Senator WILLIAMS. Claims?

Secretary LANSING. On the relative division that should be made according to the character of damages done.

Senator JOHNSON of California. The division is a secondary problem that I am coming to in just a minute.

Secretary LANSING. Yes.

Senator JOHNSON of California. But it is left to the Reparation Commission to fix the amount?

Secretary LANSING. Yes.

Senator JOHNSON of California. Solely with regard to the ability of Germany to pay?

Secretary LANSING. Exactly.

Senator JOHNSON of California. Now, do you know how the Reparation Commission arrive at their decision?

Secretary LANSING. No.

Senator JOHNSON of California. Do you know whether they have to arrive at that unanimously?

Secretary LANSING. I do not know.

Senator JOHNSON of California. You do not know?

Secretary LANSING. No.

Senator JOHNSON of California. You are a part of the treaty making, and of this particular treaty?

Secretary LANSING. Exactly; but I could not pick up all these various matters and details. It is physically impossible.

Senator WILLIAMS. He could not carry it all in his head if he were Solomon.

Senator JOHNSON of California. I am not asserting that he is Solomon, or that he can carry it in his head.

Secretary LANSING. It is very much easier to ask questions that you have prepared in advance than it is to answer questions prepared in advance and asked you when you do not know what is going to be asked you. I asked at the committee to know what I was to be questioned about. They said they did not know, so that I had to come up here without any preparation.

Senator JOHNSON of California. If I had known that you had made a request of that kind I would have been very glad to have put them in writing and furnished you a copy.

Secretary LANSING. I would have been glad to have it.

Senator JOHNSON of California. If you would prefer, I will let this thing pass for the moment.

Secretary LANSING. No; I am perfectly willing, if it is satisfactory to you?

Senator JOHNSON of California. It is perfectly satisfactory to me, but I do not want to be at all disagreeable to you in the examination.

Secretary LANSING. I appreciate your courtesy.

Senator JOHNSON of California. Now, if you tell me you are not familiar with the reparation part of this treaty I will not trouble you on it; I will not bother you about it.

Secretary LANSING. No; I am not. In many ways it was a very complicated affair, and it was worked over for months, and worked out by men who were more or less experts in the matters of finance and economics. It is largely an industrial and financial question, and I am in no way an expert myself on it. I would not know whether it was worked out properly or not.

Senator JOHNSON of California. I intended to ask you a series of questions as to its workability and whether or not it could be carried out, but I will refrain from doing so, under your statement, on account of your lack of knowledge on it.

Secretary LANSING. Yes. It is a matter of expert knowledge.

Senator JOHNSON of California. You do know, as a matter of policy, whether the United States intends to take any part of the reparation?

Secretary LANSING. I do not know whether that has been determined. I never have heard it discussed.

Senator JOHNSON of California. You say you have never heard it discussed?

Secretary LANSING. We have never discussed that, to my knowledge.

Senator JOHNSON of California. I understood from some witness's testimony here that it had been determined, and tentatively determined by the President, that we would have no part in the reparation.

Secretary LANSING. You see, naturally, the experts in a matter of this sort would go directly to the heads of the States, because that is where the determination lay, in the determination of items of that sort in the treaty.

Senator FALL. I might suggest to the gentleman from California, and to the Secretary also, that the President of the United States sent a written request to this committee the other day that they might advise him and help him in the appointment of a commissioner on this reparation board.

Senator SWANSON. I understood Senator Johnson's question to be whether we will have any part of the reparation, and not whether we will take part in its administration.

Senator JOHNSON of California. Yes; that is correct. If there has been a misunderstanding, I will ask the question again, whether or not it was tentatively or otherwise understood or agreed that we were to have no part in the reparation; not in the reparation commission, but in the reparation ultimately paid.

Secretary LANSING. I do not think there has been any definite agreement as to that. Personally, I am in favor of not taking any. That is my personal view.

Senator WILLIAMS. What is that?

Secretary LANSING. Personally, I am opposed to taking any reparation.

Senator HITCHCOCK. You mean so far as the Government is concerned.

Secretary LANSING. Oh, yes.

Senator HITCHCOCK. You do not mean so far as private individuals are concerned?

Secretary LANSING. No; they must all be paid.

Senator HITCHCOCK. There are $100,000,000 of shipping losses during the war, and they have got to be paid.

Secretary LANSING. Yes.

Senator HITCHCOCK. And they are reparations.

Secretary LANSING. Yes.

Senator JOHNSON of California. Do you happen to know whether that is the President's personal opinion?

Secretary LANSING. I understand that it is so.

Senator JOHNSON of California. I understood that from his speech of July 4, that that was his position.

Senator WILLIAMS. I want to ask you a question on another phase of the matter. Discussion came up the other day as to how far the league of nations would affect the question of boundaries, and the assertion was made by the witness then before us to the effect that certain boundaries that were not laid out on strategical lines, but were laid out on other lines, of nationality or race, could not be supported except with the league of nations; which led to some acrimonious debate around the table. Have you ever read that page or two of the treaty containing the boundaries between Poland and Germany?

Secretary LANSING. I have, at one time.

Senator WILLIAMS. Now, I want to ask you this question. Could that boundary be maintained by Poland for six months, or for any great length of time, without a league of nations and its moral force behind Poland?

Secretary LANSING. Not unless Germany was disarmed and Poland was armed.

Senator WILLIAMS. And kept disarmed?

Secretary LANSING. Yes.

Senator WILLIAMS. If you follow out the line, that boundary is not at all strategical, is it?

Secretary LANSING. No; it is not.

Senator WILLIAMS. There are no natural objects that make it strong? It is just the line that they tried to get the majority of Poles on one side of, and the majority of Germans on the other?

Secretary LANSING. Yes.

Senator WILLIAMS. And now and then they could not succeed, because the line could not be made too zigzaggy?

Secretary LANSING. Yes.

Senator WILLIAMS. Are there not other boundaries of which the same thing could be said, of big nations?

Secretary LANSING. Yes; it is quite true in several instances that the boundaries are not strategic in any way. And I think this should be said, that in certain cases the ethnological line has given place to the economic line. My own theory is that the economic line is frequently more important than the ethnographic line.

Senator WILLIAMS. It might be, in a particular place.

Secretary LANSING. Yes.

Senator WILLIAMS. Is not this true, that they tried to be guided by racial and national lines so far as they could, but now and then they would strike a place where the economic question made it absolutely necessary to overlook the other, in a small territory?

Secretary LANSING. Yes.

Senator WILLIAMS. For instance—the country around Fiume, the population is largely Italian, and the thing which led them to disregard the racial question there was the economic question of transportation and trade?

Secretary LANSING. Yes, sir.

Senator JOHNSON of California. I beg you to follow me in asking you this question:

On the 28th of June, 1919, there was read into the record a cablegram from the President, addressed to his fellow-countrymen, announcing the signing of the peace treaty, and speaking of the league of nations he said:

> It associates the free governments of the world in a permanent league in which they are pledged to use their united power to maintain peace by maintaining right and justice.

Further that the member governments "undertake to be responsible to the opinion of mankind in the execution of their task by accepting the direction of the league of nations."

In the President's address to the Senate, on July 10, again speaking of the league of nations, he said:

> It provided a means of common counsel which all were pledged to accept; a common authority whose decisions would be recognized as decisions which all must respect.

On the 9th of May, 1919, Secretary Tumulty gave out the following message from President Wilson, referring to the Franco-American treaty:

> I have promised to propose to the Senate a supplement in which we shall agree, subject to the approval of the council of the league of nations, to come immediately to the assistance of France in case of unprovoked attack by Germany, thus merely hastening the action to which we should be bound by the covenant of the league of nations.

In his message to the Senate, dated July 29, 1919, transmitting the Franco-American treaty, the President says:

> The covenant of the league of nations provides for military action for the protection of its members only upon advice of the council of the league. Advice given, it is to be presumed, only upon deliberation and acted upon by each of the governments of the member states only after its own judgment justifies such action.

The question I desire to ask you is this: Which one of these statements is correct? Are we bound by the common authority of the league, as stated in the President's address of July 10? Would we be bound by the covenant of the league to go to the relief of France, as stated in the Tumulty message of May 9, or would we be free to accept the advice of the league only if our own judgment justified such action, as stated in the President's message of July 29?

Can you follow me?

Secretary LANSING. I can, and I do.

Senator JOHNSON of California. Can you answer me?

Secretary LANSING. No; I am not going to answer—I am not going to interpret the President's language for him.

Senator JOHNSON of California. All right, sir.

Senator KNOX. No; but it seems to me that calls for an interpretation of the treaty.

Secretary LANSING. I know, that is quite true; if not from anything that the President has said. If you ask me for an interpretation of it, that is a different thing.

Senator KNOX. Speaking from the language of the treaty itself, is it a matter in which we have perfect freedom of action under article 10?

Secretary LANSING. I think so.

Senator KNOX. You think so.

Secretary LANSING. Yes.

Senator KNOX. You think that we may do just as we please without violating our honor or agreement on any recommendation made in the council of the league of nations?

Secretary LANSING. I think so.

Senator KNOX. That is mighty important.

Secretary LANSING. I think we have got, certainly, that legal right.

Senator KNOX. I asked you about the moral right.

Secretary LANSING. No, you did not mention that.

Senator KNOX. Yes, I said without violating our honor; with honor.

Secretary LANSING. With honor?

Senator KNOX. Yes.

Secretary LANSING. I presume in honor we would have to follow out the general purposes of that article.

Senator KNOX. In other words if the council of the league of nations directed us to resort to arms against China in order to prevent her from regaining her rights in Shantung, we would be bound to do it?

Secretary LANSING. If Congress approved.

Senator KNOX. No, I am not talking about Congress, I am talking about the obligations we have assumed under the treaty.

Secretary LANSING. I do not think that is an absolute obligation.

Senator KNOX. It is one thing or the other, Mr. Secretary. We either have liberty of action, or we are bound by our agreement, and there has been a great deal of difference of opinion in the discussion in the Senate on that subject, and apparently among the Democratic Members of the Senate some are convinced that we are absolutely bound by the decision of the council. Others say, just as this last expression of the President indicates, that it is up to us to decide, after the recommendations have been made.

Secretary LANSING. Is it not very much like the Panama Treaty?

Senator KNOX. I do not think there is a particle of analogy between the Panama treaty and that, because in Panama we were defending our own property. We have a zone in Panama, and we have built the greatest engineering enterprise in the world, and the peace of the environment is essential to the operation of that property. We are merely defending our own down there. I do not see any analogy between this and the Panama treaty.

Secretary LANSING. It is more essential, then, that there should be peace in Panama than that there should be peace in all the world?

Senator KNOX. No; not at all. That is a non sequitur. It is in my mind that wherever we have tremendous property interests at stake we should see that there is peace in that neighborhood.

Secretary LANSING. And therefore the change of sovereignty would affect our rights there?

Senator KNOX. Would affect our rights.

Secretary LANSING. How could that be, under that law?

Senator KNOX. The change of sovereignty would affect our rights in this sense, that as long as our zone and our great property is surrounded by a friendly nation we are at peace. That is a matter of great concern to us; but the difference between that and guaranteeing the territorial integrity and the political independence of a remote nation is just as great as the difference between night and day, to my mind.

Secretary LANSING. It is a difference in degree rather than anything else.

Senator KNOX. It is the degree, I think, that determines the question.

Secretary LANSING. But it binds future Congresses, does it not—that treaty?

Senator KNOX. Only in the sense that future Congresses might feel that the same reasons that justified the making of the treaty would justify the carrying of it out as long as we have the canal.

Senator WILLIAMS. Which cost us the most money from an American standpoint, the Panama Canal or the European war?

Secretary LANSING. It is hardly necessary to answer that question.

Senator WILLIAMS. It seems that we had a pretty important interest in that war when we were dragged into it against our own will.

Senator KNOX. We did not go into it in pursuance of any agreement whatever.

Senator WILLIAMS. No; but if we had gone into it in the pursuance of any agreement we would not have been any more in it than we were without any agreement.

Senator KNOX. But I do think in all seriousness that it is important to understand the provisions of the treaty. In one breath the President says we are bound. In the next breath he says we may act according to our own discretion upon the recommendation. Now, we ought really to know what the thing means, and I am only trying to get your opinion, because I value your opinion.

Secretary LANSING. Thank you. I confess that all it provides in article 10 is that the council shall advise upon the means.

Senator JOHNSON of California. That is the last sentence of article 10. That is as to a threat or a danger. First we guarantee. Then after that sentence guaranteeing comes another sentence——

Or in case of any threat or danger of such aggression——

If you will follow me, am I accurate in that statement?

Secretary LANSING. You are——

the council shall advise upon the means by which this obligation shall be fulfilled.

That is the obligation with respect to preserving territorial integrity and the political independence.

Senator JOHNSON of California. You do not divide it, then, as Senator Lodge does, into two distinct segments or sections?

Secretary LANSING. No; indeed I do not. There is no comma after the word "aggression."

Senator WILLIAMS. Mr Secretary, Italy had an alliance with Germany and Austria under which Italy was obliged to go the assistance of her allies under certain circumstances, in a war of defense. Germany declared that she was in a war of defsnse. Austria declared that she was in a war of defense, and Italy put her own interpretation

upon the sort of war it was, and declared that she was neutral. Is not that analogous? There may be a moral obligation, but after all each nation is left to determine whether the particular circumstances that bind it are confronting it?

Secretary LANSING. I think you are right, Mr. Senator.

Senator KNOX. I think, Mr. Secretary, that there is no one phase of the covenant of the league of nations that the public are so much interested in as in Article X, and I think any elucidation that you can make of it would be a real service, to tell us your opinion as to whether we have bound ourselves so that in honor we must accept the advice of the council and go to the relief of nations that are threatened by outside aggression or whether we can take the matter under consideration and do as we please.

Secretary LANSING. As I understand the last clause of article ten, the council shall meet to consider the means by which this obligation shall be fulfilled, and then it is up to the various nations to take such action as they may deem proper after the result of that consultation is reported.

Senator KNOX. But that advice is only as to the means. We have already entered into a covenant that we will do the thing.

Secretary LANSING. Yes; that is quite true.

Senator KNOX. If you have covenanted to do a thing and then leave it to somebody to determine the means, it seems to me you are under an obligation to adopt the means suggested by the council or committee, or whatever the authority is that suggests the means. The strength of the covenant, it seems to me, is in the first sentence there.

Secretary LANSING. It is, and the word "aggression" is very important. The word "aggression" naturally conveys the idea of a wrongful act. Now, somebody has to determine whether or not it is a wrongful act. As I read it, the mere invasion of territory is not necessarily an aggressive act. You may invade territory to protect your own nationals from danger. I do not assume for one moment ——

Senator KNOX. Would it not be aggression just the same, only it would be justifiable aggression? It is still aggression.

Secretary LANSING. Possibly that is in a broader sense, but I assume that this is used in the narrower sense of an evil invasion. For example, I can conceive where it is necessary to land troops in time of revolution or anarchy to protect your own citizens and their property.

Senator KNOX. I would not regard that as an aggression at all.

Secretary LANSING. That is not aggression.

Senator KNOX. I would not regard that as aggression.

Secretary LANSING. And there might be similar cases, where you could cover considerable area of territory.

Senator KNOX. But take a case where it was a distinct aggression. We bind ourselves to protect the territorial integrity and political independence of all members of the league against external aggression. Now, suppose there is what, to your mind, would be a well defined case of aggression. There is no doubt about what we have agreed to do first.

Secretary LANSING. No.

Senator KNOX. Very well then. If we have agreed to do it, have we not agreed to adopt the means of the council that we have set up to determine what means shall be adopted?

Secretary LANSING. No; I do not think that follows at all.

Senator WILLIAMS. We might not agree with them.

Secretary LANSING. We might not agree with them. Our representative in the council might disagree with the others.

Senator FALL. About what—about whether it was an act of aggression, or about how we should repel it, or what our obligations are?

Secretary LANSING. Or whether this Nation should take part in any military operations at all.

Senator FALL. Is it not clear to your mind that the council itself decides whether an act is one of aggression or not, and not the nation itself behind it?

Secretary LANSING. I think the Nation has a right to determine.

Senator FALL. To decide whether it is an act of aggression? Then what has the council to do?

Secretary LANSING. It has to advise and consider means as to fulfillment of the obligation.

Senator FALL. It has to submit to every nation obligated by the treaty, and allow each nation to say whether a particular act under consideration is an act of aggression or not. Then suppose they report back to the council that they have discovered that it was an act of aggression. Then the council says, "You should repel it in such and such a way." Then that is reported back to the individual members of the league, and then they take up the question as to how they will repel it, or whether they will repel it at all. Is that what article 10 means?

Secretary LANSING. I do not think the machinery is as complicated as that.

Senator FALL. I have understood you to say that the question as to whether it was an act of aggression was to be decided, not by the council but by the State.

Secretary LANSING. Ultimately. I think they have a right to review that question.

Senator FALL. Then there is an appeal from the council to the State, first as to whether it is an act of aggression, and second the State has power to determine as to whether it will adopt the recommendation of the council. That is your judgment, is it?

Secretary LANSING. I think so. It is just as if we, in the event of a manifest wrong against some nation——

Senator FALL. We have that privilege without going into this league at all.

Secretary LANSING. But we will not do it.

Senator FALL. We have done it in the history of this country. We have just done it, and we are now trying to wind up a war in which we did it. We had another war in 1898 in which we exercised that judgment. We engaged in that war. We have done it wherever humanity has called upon us to do it, every time in our entire history. I should like to see anyone cite an instance where we have not.

Secretary LANSING. Other nations have not.

Senator FALL. But we have. I am speaking of the United States of America. Now you say that is all the power we would have—all the obligation we would incur under article 10.

Secretary LANSING. As I have stated.

Senator JOHNSON of California. Were you ever present at any discussion of article 10 at Paris?

Secretary LANSING. No.

Senator JOHNSON of California. Did you ever hear the American commissioners discuss article 10, as to what would occur under it?

Secretary LANSING. No; they never discussed it with me.

Senator JOHNSON of California. Never discussed it at all? Did you ever discuss it with anybody, Mr. Secretary?

Secretary LANSING. I have, a great many times.

Senator JOHNSON of California. But the viewpoint of the men who adopted it at Paris and the viewpoint of those of our own commission who adopted it you do not know?

Secretary LANSING. I do not know their views of it.

Senator JOHNSON of California. Never having discussed it with any of them?

Secretary LANSING. Oh, well, I have discussed it informally with them, of course.

Senator JOHNSON of California. You do not recall the discussions?

Secretary LANSING. I do not recall them.

Senator FALL. Mr. Secretary, so that we may clear up the record as we go along, that is so far as my own head is concerned, I wish to ask you another question or two. The Senator from Mississippi (Mr. Williams) asked you a question about to this effect, as to whether the line of demarcation agreed upon in this treaty between Poland and Germany could be maintained six months if it were not for the constitution of the league of nations, and I understood you to answer that it could not. Was that the effect of his question and your answer?

Secretary LANSING. I limited it.

Senator FALL. That it would be impossible unless it was for the league of nations—that it would be impossible to maintain that line.

Secretary LANSING. I went further than that.

Senator FALL. That is exactly what I want to know. Now, let us see how far.

Secretary LANSING. I stated that very clearly.

Senator FALL. That is what I am trying to get.

Secretary LANSING. That if Germany was disarmed and Poland was armed, of course Poland could hold it. That is a manifest fact.

Senator FALL. But you think it is necessary to form a league of nations for the purpose of maintaining that line?

Secretary LANSING. I did not say so.

Senator FALL. Well, do you think so?

Secretary LANSING. If you keep Poland fully armed and Germany disarmed, you do not need the league of nations.

Senator FALL. Suppose they are both armed?

Secretary LANSING. If they are both armed, then you need the league of nations.

Senator FALL. Then you need the league of nations?

Secretary LANSING. Yes.

Senator FALL. The league of nations, as it happens, has nothing to do with it in the treaty.

Secretary LANSING. I think article 10 has.

Senator FALL. Page 129 of the treaty, paragraph 2 of the annex, provides for an international commission which shall govern the disposition of that line. It provides that the United States of America, France, the British Empire, and Italy shall appoint an international commission. Paragraph 3 provides that—

The commission shall enjoy all the powers exercised by the German or the Prussian Government except those of legislation or taxation.

On page 131 it provides that—

The commission will maintain order with the help of the troops which will be at its disposal, and, to the extent which it may deem necessary, by means of gendarmerie recruited among the inhabitants of the country.

Now the league of nations has nothing to do with that, has it?

Secretary LANSING. You are referring to the plebiscite in upper Silesia?

Senator FALL. No; I am referring to the maintenance of order; and I will say to you further that the following article provides for that for one year and a half, and then for a period of six months longer for the governing by this commission alone, without the interference in any way of the league of nations, and then provides for a continuous government forever of this territory between Prussia and Poland unless Prussia and Poland, respectively, in the meantime have so restored order that they are able to reinstate it within their respective territories themselves. The league of nations has nothing to do with it. It is the international commission.

Secretary LANSING. That area, upper Silesia, is an area which is as yet to be subjected to a plebiscite; and then, when that line is determined, you will not have a strategic line, no matter which way the plebiscite goes, and after that you will have to depend on the league of nations or disarm Germany, or Poland can not maintain her lines.

Senator FALL. Then why do we have this commission with arms, and the right to recruit soldiers, and why do we not say that the league of nations shall do it? We do not say that the league of nations has anything to do with it.

Secretary LANSING. We do not need to, because it is covered by the article.

Senator FALL. "We do not need to." Then the league has general powers, whether it is given them definitely or not?

Secretary LANSING. I do not understand you.

Senator FALL. Well, I do not understand you, so we are even.

Senator KNOX. It seems to be a 50–50 break.

Senator FALL. Now, Mr. Secretary, I want to go back to one or two matters that you have spoken about. A while ago you were giving your ideas as to the labor clauses, in answer to questions by Senator McCumber. You said you were somewhat familiar with the labor provisions.

Secretary LANSING. I said I had been.

Senator FALL. The American members of the commission were Messrs. Gompers and Hurley, were they not?

Secretary LANSING. Yes.

Senator FALL. And Dr. Shotwell was an alternate?

Secretary LANSING. Dr. Shotwell was an alternate. He took Mr. Hurley's place.

Senator FALL. The United States of America had Mr. Samuel Gompers, president of the American Federation of Labor, and Hon.

A. N. Hurley, president of the American Shipping Board; substitutes, Hon. H. M. Robinson and Dr. J. T. Shotwell. The British Empire was represented by the right honorable G. N. Barnes, member of Parliament and member of the war cabinet; substitutes, Mr. H. B. Butler and Sir Malcolm Delevingne. France was represented by Mr. Colliard, minister of labor; substitute, Mr. Arthur Fontaine. Italy was represented by Baron Mayor des Planches, and Japan was represented by Mr. Otchai. Belgium was represented by Mr. Vandervelde; Cuba by Mr. De Bustamante; Poland by Count Zoltowski, and the Czecho-Slovak Republic by Mr. Benés. Are you familiar with the proceedings of that commission?

Secretary LANSING. I am not.

Senator FALL. Do you know whether there was a suggestion offered by any of the delegates—was that called to your attention—that any of those delegates offered a resolution to the effect that agriculture should be represented on this labor board?

Secretary LANSING. I have no knowledge of it.

Senator FALL. You do not know then whether the French and the Italian delegates offered a resolution before the commission to that effect which was voted down?

Secretary LANSING. No.

Senator FALL. By the American and other delegates?

Secretary LANSING. No.

Senator FALL. Are you at all familiar with the opinion of Mr. Gompers, a member of that commission and others as to the construction of the article about which you were being interrogated by Senator McCumber?

Secretary LANSING. I have never discussed it with them.

Senator FALL. Well, it is public. It is printed.

Secretary LANSING. I have never read it.

Senator FALL. You seem to have an idea that the provisions of article 419, referred to by Senator McCumber, were not penal in their terms; that they are not in any way obligatory.

Secretary LANSING. Permissive.

Senator FALL. That is as to the use by any member of measures of an economic character to compel the carrying out of the orders of the council. You seemed to think that was in no sense penal, as I understood it.

Secretary LANSING. It is not mandatory. It is permissive.

Senator FALL. Only permissive?

Secretary LANSING. Yes.

Senator FALL. You say you do not know that the commission itself that drew the article understood that it was obligatory?

Secretary LANSING. I do not.

Senator FALL. I will take the opportunity to place in the record later the opinion of the commission itself which adopted this article, as well as some of the other suggestions, discussions, and resolutions which they offered. The pamphlet which I have is published by the American Association for International Conciliation and contains the report of the commission on international labor legislation of the peace conference, the report of this commission that Secretary Lansing said he understood had been formed, and which was formed, and it did agree on these articles. This pamphlet, however, also contains the report of the British National Industrial Conference—a very interesting document.

Do you know what the objection was which was offered by the American and the Brazilian delegates to the proposition advanced by the British, French, Italian, and other delegates with reference to the labor articles?

Secretary LANSING. I do not.

Senator FALL. You do not know that both of those delegations held that they could not accede to some of the propositions advanced by Great Britain, France, Italy, Japan, and others, because of the Constitution of the United States and the form of our Government, being constituted of various sovereign States?

Secretary LANSING. I do not.

Senator FALL. You heard nothing of that discussion at all?

Secretary LANSING. No.

Senator FALL. Did you hear anything of any discussion there or any promise or pledge on the part of the labor leaders, or the representatives of the United States Government, on that commission, that they would go as far as they could and then they would hereafter seek to have the Constitution of the United States amended so that without the interposition of a court they could make the mandate of the league council absolutely binding upon the United States?

Secretary LANSING. I never heard of any such thing.

Senator FALL. You do not know that that proposition was advanced by Great Britain, France, Belgium, Italy, and other delegates?

Secretary LANSING. I certainly do not.

Senator FALL. And that it was turned down by the Americans, simply on the Constitution of the United States?

Secretary LANSING. I do not.

Senator FALL. Now, Mr. Secretary, to clear up another matter, I was out of the room this morning when you were asked a question by one of the Senators with reference to the reason why Costa Rica was not allowed to sign the peace treaty. Of course I have not read the record, and I regret that I was not present; but I have understood from the other members of the committee that the reason in general offered by you was that the Government of Costa Rica now existing has not been recognized by the powers.

Secretary LANSING. No; I said it had not been recognized by all the powers.

Senator FALL. And that is the reason why it was not even invited to become a party to the treaty?

Secretary LANSING. Yes.

Senator FALL. There was no invitation at all extended to her?

Secretary LANSING. No.

Senator FALL. And Costa Rica is left at war with Germany?

Secretary LANSING. Mexico was treated in the same way.

Senator FALL. Mexico never was at war with Germany. That is the distinction. Costa Rica, however, did declare war against Germany, did it not?

Secretary LANSING. Yes; that is, the unrecognized Government of Costa Rica did.

Senator FALL. The unrecognized Government. Do you recall that on December 20, 1918, Hon. Thomas R. Marshall, Vice President of the United States and President of the Senate, sent a telegram to the President of the Senate of the Republic of Costa Rica acknowledging

the receipts of their notice that they had gone to war, which telegram was to the following effect:

By resolution the Senate of the United States has instructed me to acknowledge with deep appreciation your recent message of congratulation and compliment you and your country upon your splendid stand for liberty.

Secretary LANSING. I recall that.

Senator FALL. You recall that?

Secretary LANSING. Yes.

Senator FALL. Do you know whether the French Government also congratulated Costa Rica, through its present Government?

Secretary LANSING. Costa Rica was recognized by France.

Senator FALL. It was recognized by France?

Secretary LANSING. Yes.

Senator FALL. And it has a minister at Paris?

Secretary LANSING. Yes.

Senator FALL. A recognized minister?

Secretary LANSING. Oh, yes.

Senator FALL. Then, it is only necessary for me to make a record to show the recognition and the congratulations extended by the President of the Congress of France on December 18, 1918, to Costa Rica, upon her entrance into the war.

Do you know what action Great Britain took with reference to Costa Rica? Was her Government acknowledged by Great Britain?

Secretary LANSING. I can not tell you, but my impression is it was. I am not sure.

Senator FALL. Then, this transcript which I have is probably correct. It is dated Paris, France, May 29, 1918, and signed "Derby." Derby was the representative of Great Britain, was he not?

Secretary LANSING. Yes.

Senator FALL. It is addressed to Señor Manuel de Peralta, Costa Rican Minister, Paris, France:

I have the honor to acknowledge receipt of your note in which you announce that the President of Costa Rica has declared war against the German Government.

I have lost no time in transmitting your communication to my Government.

This is followed by a note of June 1, 1918, to the following effect:

As I had the honor to inform you in my note of May 29, I promptly brought to the attention of my Government the declaration of war against Germany made by the Republic of Costa Rica, which you have been good enough to communicate to me.

I have just received orders from my Government to transmit to you the following message in reply to your communication:

"His Majesty's Government desires to assure the Government of the Costa Rican Republic that it has received with the greatest pleasure the good news of the adherence of Costa Rica to the cause of liberty and of humanity."

Signed by Derby.

It is not necessary for me to go further, I presume, than to call your attention to the note of Mr. Pichon. Mr. Pichon, I believe, is the minister of foreign affairs of France, is he not?

Secretary LANSING. Foreign affairs; yes.

Senator FALL. I call attention to his note of May 31, 1918, to the minister of Costa Rica, acknowledging the receipt of the communication of Costa Rica to France, and thanking Costa Rica for her action in joining the Allies in the war against Germany.

It is not necessary to go further than to call your attention, I presume, to a telegram from Gen. Foch, commander in chief of the allied armies, I believe, to Gen. Tinoco.

Many thanks for your congratulations. Please convey to the Costa Rican Army, in the names of the armies fighting, full of confidence for the most just of causes. My sincere thanks for its good wishes.

Then there is a communication from the Imperial Japanese embassy, Paris, France, May 31, 1918, signed by K. Matusi. Do you know who Mr. Matusi is?

Secretary LANSING. Matsui, is it not?

Senator FALL. It is signed here "Matusi." Possibly it should be "Matsui." Do you know Mr. Matsui?

Secretary LANSING. I do.

Senator FALL. You are acquainted with him. I did not have reference to chop-suey, which is more familiar to some of the Senators, possibly, than Matsui is to me. In this communication he says:

I have the honor to acknowledge receipt of your note of the 25th instant, in which you are good enough to inform me that the President of the Republic of Costa Rica has declared the existence of a state of war with the German Empire.

Do you consider that a recognition of the Costa Rican Government?

Secretary LANSING. Not that act necessarily, but I think probably it was recognized.

Senator FALL. It was recognized. Then there is a communication from the United States embassy, a letter from Mr. W. G. Sharpe. I think I have made no mistake in the spelling of that name. He is our ambassador, is he not?

Secretary LANSING. Yes.

Senator FALL. His communication is addressed to Senor Manuel de Peralta, in which he acknowledges receipt of the notice of the declaration of war, and states:

This news has given me great pleasure, and I hear with lively satisfaction the noble decision of your valorous Republic, which, with no incentive but its fraternal disinterestedness, has of her own free will taken its place by the side of the powers of the entente, ready to aid with all its forces the cause of right against oppression.

Your declaration will evoke the hearty sympathy of all our sister Republics.

You had knowledge of that note of Ambassador Sharpe, did you not?

Secretary LANSING. I never did.

Senator FALL. He is under you, is he not?

Secretary LANSING. He is. It was not done by authority of the Department of State.

Senator FALL. Neither was that of the Senate of the United States in sending its congratulatory message.

Secretary LANSING. It did not have to be.

Senator FALL. Here is a communication from the Italian ambassador, under date of June 3, saying:

You were good enough to inform me that the President of the Republic of Costa Rica, by decree of the 23d of May, has declared the existence of a state of war with the German Empire, and that his Government desires to cooperate with the Government of His Majesty and its allies in the triumph of right and of civilization.

While noting with the liveliest satisfaction the decision of your Government, which has thus established a new bond of friendship between our respective countries, associated as they are now in the same noble cause, I hasten to assure you that I immediately brought the contents of your communication to the attention of His Majesty's Government.

I find also a communication from the then president of Brazil, Mr. Gomez. I find a note from the Serbian Legation to the minister, thanking him for the entrance of Costa Rica into the war. I find a cablegram under date of June 19, 1917, from Brazil to Costa Rica, notifying them that Brazil was entering the war, and calling upon all the republics on this continent to join them; and I find here an answer from Costa Rica complying with the request of Brazil, expressing their gratification at the action of Brazil, and their intention to follow Brazil in the matter. Did you have any knowledge of those matters?

Secretary LANSING. I think I did.

Senator FALL. Then who was it that had not recognized Costa Rica, or caused her to be left out?

Secretary LANSING. The United States of America.

Senator FALL. Yes; thank you, sir.

Secretary LANSING. You could have asked me that to begin with, and I would have answered it frankly.

Senator FALL. I may be unfortunate in my method of interrogation.

Senator WILLIAMS. Has an ambassador, or a legation, or a general in the field any right to recognize any government?

Secretary LANSING. Oh, no.

Senator FALL. The Senator evidently did not hear the answer of the Secretary.

Senator WILLIAMS. The Senator evidently did hear it.

Senator FALL. I did.

Senator WILLIAMS. Well, I did, too.

Senator FALL. I did not think the Senator would interject a remark of that kind if he had heard the answer.

Senator WILLIAMS. I am sure the Senator heard it, and the Senator interjected the remark for the express purpose of showing the wide extent and the small depth of all this stuff.

Senator FALL. I would not engage in a controversy with the Senator from Mississippi, nor with the honorable Secretary of State; but if it became a matter of importance I would ask the Secretary of State, and I think I know what his answer would be, if there are not more ways than one of recognizing a government.

Senator WILLIAMS. Oh, yes; but——

Senator FALL. You agree, do you?

Senator WILLIAMS. But those telegrams are not one of the ways.

Senator FALL. That depends altogether——

Senator BORAH. This controversy is very unfortunate.

Senator WILLIAMS. The whole thing is of no importance.

Senator FALL. You mentioned Mexico, Mr. Secretary. Was the United States equally responsible for the noninvitation or the fact that no invitation was extended to Mexico to join the league?

Secretary LANSING. No.

Senator FALL. It was not. Then who was responsible?

Secretary LANSING. I do not know.

Senator FALL. Did the United States suggest extending to Mexico an invitation?

Secretary LANSING. No.

Senator FALL. It did not. Did any other nation suggest it?

Secretary LANSING. I do not know.

Senator FALL. You do not know whether France suggested it?

Secretary LANSING. I do not.

Senator FALL. Did you meet Mr. De la Bara in Paris?

Secretary LANSING. I did.

Senator FALL. May I ask—I am not going to ask you what it was—but did you have any conference with him with reference to Mexican affairs?

Secretary LANSING. Not a word.

Senator FALL. He was the former ambassador to this country?

Secretary LANSING. I knew him very well.

Senator FALL. And he was the president ad interim between Huerta and Madero?

Secretary LANSING. We just had personal conversations; that was all.

Senator FALL. I was not going to ask you, of course, about that. It would not be official, I presume. Now, Mr. Secretary, was there any discussion in reference to Mexican matters or any phase of the Mexican matters at Paris in which you engaged?

Secretary LANSING. None at all.

Senator FALL. There was no discussion?

Secretary LANSING. None.

Senator FALL. May I ask you whether, when you came in as counsellor for the State Department, you found upon your files, or whether after you came in there were placed upon your files, any notices of any kind or requests from this Government to any other Government that the United States of America be allowed to handle Mexican affairs?

Secretary LANSING. No; I have not seen any such thing. I do not recall any such thing. But what has that got to do with the German treaty?

Senator FALL. I understood that you were considering the peace of the world, and that you were engaging in the formation of a league for the conservation and preservation of the peace of the world.

Secretary LANSING. That is quite true, but I am considering the treaty. I am not considering Mexican affairs. If you wish to ask me about Mexican affairs, I shall be very glad to come before the committee at any time and discuss them; but I should like to be prepared beforehand, because I do not know where an investigation of this kind is going, and I do not propose to answer offhand.

Senator FALL. I am not going to ask you to answer anything that I think would embarrass you at all, sir. I so stated with reference to the conversations between Mr. De la Bara and yourself. They were not of an official nature, as I understand you?

Secretary LANSING. Not at all.

Senator FALL. So I simply asked you whether you had met him there and talked to him.

Secretary LANSING. Yes.

Senator FALL. I asked you nothing as to the purport of your conversations. Something of that kind I might know myself through some other source, but I am not going to interrogate you about it at all. I simply ask you now as leading up to what I consider to be a very important matter, and which it seems to me must necessarily have been considered in some way around the peace table with reference to Mexican matters.

Secretary LANSING. I might say that, so far as I know, Mexico was never mentioned.

Senator FALL. It was not?

Secretary LANSING. No.

Senator FALL. No phase of Mexican matters was mentioned?

Secretary LANSING. Never discussed.

Senator FALL. The question of the French banking interests in Mexico was never mentioned?

Secretary LANSING. Never to my knowledge.

Senator FALL. I am not asking you as to the contents of any notes. Do you know, however, whether the United States Government has made representations to any other Government, prior to the peace conference or during the peace conference, with reference to the liability or nonliability of the United States and such other Governments for debts or damages due to the nationals of such Governments in Mexico?

Secretary LANSING. I never heard of such a thing.

Senator FALL. And nobody suggested that Mexico should be even invited into the league?

Secretary LANSING. Not to my knowledge.

Senator FALL. Who suggested that Sweden should be invited into the league, Mr. Secretary?

Secretary LANSING. I do not know; but, of course, you will bear in mind that the list was made up by France originally.

Senator FALL. The list of those who were to be invited to the conference was made up by France?

Secretary LANSING. Yes.

Senator FALL. I am glad to know that. I did not know that.

Secretary LANSING. They had control of the organization, it being in Paris.

Senator FALL. Then such nations as France left off of her list were not invited to become parties to the league of nations?

Secretary LANSING. I do not think there were any added. I do not recall.

Senator MOSES. Senator, I understood the Secretary to mean that France made up the list of nations to be invited to the peace conference.

Secretary LANSING. Yes.

Senator MOSES. Not the league of nations.

Senator FALL. No; I am speaking now—there is a list here——

Secretary LANSING. Oh, the league of nations?

Senator FALL. Yes, sir.

Secretary LANSING. I do not know how that was reached. I assume that was done, probably, by the commission on the league of nations.

Senator FALL. There are so many States here who signed. Aside from the principal allied and associated powers, various other States signed this treaty, the States invited to accede to the covenant—the Argentine Republic, Chile, Colombia, Denmark, Netherlands, Norway, Paraguay, Persia, Salvador, Spain, Sweden, Switzerland, and Venezuela. You do not know why Mexico was not invited?

Secretary LANSING. No; I do not know. I assume it was made up by the commission on the league of nations, but I am not sure about that.

Senator FALL. And you are sure that Costa Rica was not represented at the peace table or invited to sign because of the United States?

Secretary LANSING. Yes.

Senator FALL. Because of her objections?

Secretary LANSING. Yes.

Senator FALL. Thank you, sir.

Senator BRANDEGEE. Mr. Secretary, referring to this list of matters that Senator Fall suggested to you, and then asked you whether they were the subjects of consideration over there by the peace commission, and you say as to the most of them they were not, so far as you know, or according to your knowledge—it is quite possible, I suppose, that some of them may have been discussed without your knowledge; is it not?

Secretary LANSING. I doubt if the Mexican question would be.

Senator BRANDEGEE. What do you say as to the other questions?

Secretary LANSING. What other questions?

Senator BRANDEGEE. Many of them that you do not know about that have been asked you this afternoon. It is not possible that the commissioners themselves, the heads of the States, had conversations among themselves that you did not know about?

Secretary LANSING. Oh, possibly; but I am quite convinced that Mexico was not discussed. That is the only thing that I am referring to.

Senator BRANDEGEE. Now I want to ask you just this one question. Article 10 of the covenant of the league reads as follows:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

I understand your view of the effect of that article is that although we, if we entered the league, would undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league, when the council advise upon the means by which this obligation should be fulfilled it is then optional with every member of the league to do as they please about the matter?

Secretary LANSING. Furthermore than they think it is their duty.

Senator BRANDEGEE. Now, if that is so, as it seems to me, in view of the fact that the friends of this league are claiming to erect something that is going to at least diminish the possibilities of war, at any rate, under this article 10, guaranteeing the territorial integrity of all members against external aggression, if each member of the league is to be allowed to carry out its guaranty in its own way, what sort of a spectacle will the world be treated to if all the members of the league think that different methods ought to be adopted to carry out the guaranty?

Secretary LANSING. Well, but of course——

Senator BRANDEGEE. I had supposed this was an idea of unifying the members, so that their combined strength could be brought against the offending power.

Secretary LANSING. I think you are quite right about that. I think your views are correct about that, and that by a council of the nations when there has been external aggression to be resisted, or the rights of the nation invaded restored, they should counsel together as to the means which should be taken. It is assumed that the decision of the council will be a reasonable decision. In any event, it will be of value in showing how the aggression may be resisted.

Senator BRANDEGEE. My point is this: Suppose there is a threat of aggression, and the council meets in conclave, and resolves unanimously, our delegates concurring with the others, that a force of a million men should be raised and sent against the offending power, and that the proportion of the United States of that force is hereby apportioned as 200,000 men. In your view of this, we are not in honor bound to agree to conform to the judgment of the council; but if we think at that time that our contribution and our honor will be sufficiently vindicated by having Congress pass an economic law cutting off trade with the enemy, that we have sufficiently fulfilled our pledge to guarantee the territorial integrity of our friend and fellow-member of the league, that is perfectly permissible, and can be done without any reflection upon our honor?

Secretary LANSING. I think the chances are that we would have to refer it back to the other nations and say that we viewed this as an unfortunate way of handling the situation.

Senator BRANDEGEE. Yes. Suppose we have a pacifist wave in this country at that time, and we have had enough fighting, and we say we will resort to economic pressure; we will forbid our citizens to trade with them, etc. Now, then, your theory is that we so report to the council, who are begging us to send 200,000 men?

Secretary LANSING. Yes.

Senator BRANDEGEE. And then if the council adhered to their former well-considered recommendation, and said, "You are a shirker; we want your men and your guns, and we do not care anything about your statute of Congress." Then what would we do?

Secretary LANSING. Then I suppose it would be up to Congress to determine whether we should raise the men.

Senator BRANDEGEE. In other words, we would be an international slacker if we did not obey the recommendation of the council of the league, in my opinion. Now, in your opinion we would not be?

Secretary LANSING. No.

Senator BRANDEGEE. If your opinion is correct, I desire to state that in my opinion this whole fabric is a league of sand, a rope of sand, without any power whatever except moral suasion.

Senator BORAH. Not even that.

Senator BRANDEGEE. Which is not very effective against the bayonets of ravaging Prussians, in my opinion.

The CHAIRMAN. Are there any further questions?

Senator WILLIAMS. Is not that about the measure of power under which we waged the war of the Revolution and won our independence? Was there any way of making a colony furnish its quota?

Secretary LANSING. No.

Senator BRANDEGEE. France had to come to our rescue.

Senator BORAH. We got out of that fearful dilemma just as quickly as we could.

Senator WILLIAMS. Yes; after we once formed a government. But the Senator does not want to form a government.

The CHAIRMAN. The Secretary has been on the stand now for some hours, and I do not know whether the Senators desire to ask him any more questions or not; but the Secretary said there were certain statements he would like to have time to prepare.

Secretary LANSING. Yes.

The CHAIRMAN. When would it be convenient to you to make those statements?

Secretary LANSING. Just as soon as possible, Mr. Senator. Can I do it by writing? Would you prefer it in writing?

The CHAIRMAN. As you please. If you will come before the committee, you can present it in any form you please.

Secretary LANSING. Do you not think it would be advisable for me to put it into writing, and then, if you want to ask any questions, I will be very glad to come?

The CHAIRMAN. I think the committee would like to hear it, and then we can ask the questions, if you will come and read it—any statement you want to make.

Secretary LANSING. Very well.

The CHAIRMAN. Would Friday be too soon?

Secretary LANSING. I think I can do it Friday. I will try to.

The CHAIRMAN. Very well, then.

Senator MOSES. Would Saturday be a more convenient time for you, Mr. Secretary?

Senator WILLIAMS. What is to-day?

Secretary LANSING. To-day is Wednesday. That only gives me to-morrow. I do not know. I will have to look over and see what the questions are.

Senator WILLIAMS. We had better make it Monday.

The CHAIRMAN. Suppose we make it Saturday; would that do?

Secretary LANSING. I think you had better give me until Monday, if you can do it.

Senator MOSES. I move that the committee adjourn until Monday at half past 10.

The CHAIRMAN. The committee have some other matters they ought to attend to.

Senator BRANDEGEE. Suppose we adjourn subject to the call of the chairman.

Senator FALL. The chairman is aware of the fact that some members of the committee requested a little information about another matter from the Secretary. Would it be possible for you to let us have that information to-morrow?

Secretary LANSING. Oh, yes; I think I can get that for you at once. I do not know what time it is now.

The CHAIRMAN. That relates to another treaty.

Senator FALL. It relates to the Colombian treaty, so that that might be considered.

The CHAIRMAN. Very well. Then the committee will meet on Monday at 10.30 to hear the Secretary. In the meantime, what is the pleasure of the committee?

Senator MOSES. In the meantime, the committee may be called together by the Chair.

The CHAIRMAN. There are some other things we ought to attend to. I hope the Secretary will be able to let me know to-morrow about that treaty with France to modify the treaty of 1822.

Secretary LANSING. I will. I will have that for you to,-morrow.

The CHAIRMAN. Then the Chair will call the committee together for those other matters.

(Thereupon, at 4.30 o'clock p. m. the committee adjourned subject to the call of the chairman.)

MONDAY, AUGUST 11, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to adjournment, at 10.30 o'clock a. m., in room 426 Senate Office Building, Senator Henry Cabot Lodge presiding.

Present, Senators Lodge (chairman), McCumber, Borah, Brandegee, Fall, Harding, Johnson of California, New, Moses, Hitckcock, Williams, Swanson, Pomerene, and Shields.

The CHAIRMAN. The committee will come to order. The Secretary of State is here, and ready to go on with his statement which he promised us to-day.

STATEMENT OF HON. ROBERT LANSING, SECRETARY OF STATE —Resumed.

Secretary LANSING. Mr. Chairman, I was asked twice during the hearing on last Wednesday, in relation to my knowledge as to the secret treaties or secret agreements which existed between Japan and Great Britain, France, and Italy, and, I believe, Russia.

In order to refresh the memory of members of the committee, I would like to read from page 148 just a brief portion of the hearing. [Reading.]

Senator BORAH. Are you able to state whether or not it was before you went to Versailles?

Secretary LANSING. Oh, yes.

Senator BORAH. It was before?

Secretary LANSING. That is, so far as Great Britain is concerned I do not think I knew of any secret agreements with France or Italy.

Senator BORAH. May I suggest, then, Mr. Secretary, that you ascertain for the committee as soon as you can conveniently, just when you learned of these secret agreements? It it has not already occurred to you, I think you will recall, probably, that these secret agreements were published first by the Russian Government, so far as the world was concerned. I do not know how long before that the Department of State had knowledge of them; but so far as the world had any knowledge of them, as I recall, the first knowledge came from Mr. Trotsky.

Later on in the hearing, this matter came up again. I read from page 193 as follows:

Senator JOHNSON of California. Does the fact that is apparently established now, that these secret treaties were made before your agreement with Ishii, bring to your mind any of the particular conditions?

Secretary LANSING. No; I would have to refresh my memory on that.

Senator JOHNSON of California. You do not recall that you had in mind these treaties at all?

Secretary LANSING. I did not know about these treaties at that time.

Senator JOHNSON of California. You did not know about these treaties at the time of the Lansing-Ishii agreement, as it is called?

Secretary LANSING. No.

Senator JOHNSON of California. You said you did not understand the exact line of the questions that I was asking. I do not wish to be repetitive or insistent, but I ask you again, do you not remember the publication even in this country of the treaties for the disposition of territory, after the war and in peace, of the various belligerents?

Secretary LANSING. No, sir; I confess I do not. When were they published?

Senator JOHNSON of California. They were published—I got my copies in the New York Evening Post.

Secretary LANSING. At what time?

Senator JOHNSON of California. Oh, it was a long time ago; I can not tell you how long ago; long before the armistice, you know, during the war.

Secretary LANSING. Well, possibly that is so.

Senator JOHNSON of California. During the war they were first published?

Secretary LANSING. Yes; I do not remember at all.

Senator POMERENE. May I ask, for my own information, are you referring now to the publication of these treaties as made by the Russian Government?

Senator JOHNSON of California. Yes; I think Kerensky published them first, and then they appeared in the New York Evening Post.

Gentlemen, in connection with those inquiries and the apparent implication that I must have had knowledge, or should have had knowledge, of those agreements prior to the Lansing-Ishii agreement, I can now state that my first knowkedge of the actual agreements came the first part of February of 1919. Under date of February 26, 1919, they were transmitted to the Department of State by the American Peace Commission, and the department has no record or any knowledge of the treaties prior to that time.

On April 22, 1919, alleged copies of the agreements between Japan and Great Britain and Japan and France were published by the New York Times under a Paris date line. I have inquired of the Russian division, and I have also inquired of Mr. D. C. Poole, consular officer of the Department of State, who has just returned from Russia, and who was in Moscow up to the end of the time that it was safe for Americans to remain there, and then was attached to the embassy of the United States in Russia, and the latter part of the time acted as chargé for this Government there, and the Russian division and Mr. Poole both assure me that these treaties never were published in any form in Russia.

In regard to the statement that I knew of the British agreement before we went to Paris, let me say——

Senator JOHNSON of California. Just what British agreement do you refer to, if you please?

Secretary LANSING. Between Japan and Great Britain.

Senator JOHNSON of California. And in your statement of the other treaties that you have just referred to you referred to those with Japan?

Secretary LANSING. Yes.

Senator JOHNSON of California. Yes.

Secretary LANSING. And I refer to the text of the British agreement——

Senator JOHNSON of California. With Japan?

Secretary LANSING. Yes.

Senator JOHNSON of California. Yes.

Secretary LANSING. As to my knowledge at the time of the Lansing Ishii Agreement, which was negotiated in September and October, 1917, I did know that Great Britain and France had at least an under-

standing as to the disposition of the German Islands in the Pacific. Sir Cecil Spring-Rice, then the British Ambassador, had informed me, in October, 1916, six months before we entered the war, that Japan was to take the islands north of the equator, and Great Britain those that were south of it.

Furthermore, at my first interview in connection with our negotiations, Viscount Ishii, on September 6, 1917, told me that in 1915, on his way home to Japan, he stopped in London, that he saw Sir Edward Grey there, and stated to him that Japan intended to return Kiaochow to China, but that the islands would have to be retained, because no government in Japan could stand if there was an agreement to return them to Germany.

Senator McCUMBER. Do you mean to Germany, or to China?

Secretary LANSING. They did not belong to China. I am speaking of the Islands in the Pacific.

Senator POMERENE. From whom did you ascertain that?

Secretary LANSING. Viscount Ishii.

Senator POMERENE. At what time?

Secretary LANSING. On September 6, 1917. He said it was then practically arranged that the Equator should be the line of division between the acquired territories of Japan and Great Britain, so far as the conquered islands were concerned.

Senator HITCHCOCK. That was an agreement reached between those two countries before we entered the war.

Secretary LANSING. Oh, yes; in 1915.

I would pause here to inquire if there are any questions in regard to what I have stated?

Senator BORAH. I wanted to ask some questions. I will either ask them now, or when you get through with your full statement, whichever you prefer?

Secretary LANSING. If your questions refer particularly to this matter, I would like to hear them now.

Senator BORAH. Very well.

Senator BRANDEGEE. I beg the Senator's pardon. May I ask a question here?

Senator BORAH. Go ahead.

Senator BRANDEGEE. Does this include your statement with reference to the Japanese secret treaties? Have you finished that part of it, or is there more on that subject?

Secretary LANSING. No more on that question.

Senator BRANDEGEE. Then I think it is all right for Senator Borah to go ahead.

Senator BORAH. Mr. Secretary, as I understand you, the first knowledge you had of any of these agreements other than the British agreement was on what date?

Secretary LANSING. In the early part of February, 1919.

Senator BORAH. And you received that information through what channels?

Secretary LANSING. I can not tell you, except that the commission received it in Paris?

Senator BORAH. The first knowledge you had of the British agreement was from Ishii himself?

Secretary LANSING. From Sir Cecil Spring-Rice.

Senator BORAH. At what time was that?

Secretary LANSING. October, 1916. That covered merely the Pacific islands.

Senator BORAH. The agreement that I was talking about had not been made at that time.

Secretary LANSING. No.

Senator BORAH. The secret treaty with reference to Shantung and the German possessions in China had not been made in October, 1916?

Secretary LANSING. No.

Senator BORAH. When did you first learn of that agreement?

Secretary LANSING. I first learned of that in the early part of February, 1919.

Senator BORAH. Will you state again briefly what it was that Viscount Ishii stated to you as to the understanding which he had with Great Britain, and when it was?

Secretary LANSING. The statement was made on September 6, 1917, and he told me that in 1915—that was after Kiaochow and the German islands had been taken—he was in London, and that he stated to Sir Edward Grey that Japan intended to return Kiaochow to China, but that the islands would have to be retained, as no Japanese Government could stand without obtaining them; that it was practically agreed that the line of division between the territory acquired by conquest in the Pacific Ocean should be the Equator, so far as Great Britain and Japan were concerned.

Senator BORAH. Will you give me the date of that?

Secretary LANSING. September 6, 1917.

Senator BORAH. Is that the only statement that Viscount Ishii made which would indicate to you any understanding between Japan and Great Britain with reference to the German possessions in China?

Secretary LANSING. That did not indicate any.

Senator BORAH. Did he make any other statement indicating to you at all that Japan had any agreement with Great Britain in regard to the German possessions?

Secretary LANSING. None at all, sir. After that statement, that it was the intention of Japan to return Kiaochow to China, the subject was never again mentioned during the conversation.

Senator BORAH. You do know now, Mr. Secretary, that at the time Viscount Ishii made that statement to you, he had a secret agreement, or Japan had a secret agreement, with Great Britain and these other powers?

Secretary LANSING. I do.

Senator BORAH. And that he either affirmatively or by his silence concealed it from the Secretary of State of this country?

Secretary LANSING. That is the truth. I do not know whether it was an intentional concealment or not. He did not tell me about it.

Senator BORAH. I want to say, Mr. Secretary, in answer to an intimation in your opening statement that we were indicating that you must have had knowledge of these things, that that was not my desire at all. My desire was to show what Viscount Ishii was doing.

I desire to read a statement which appeared in the Parliamentary Debates in the House of Commons on March 4, 1918. [Reading:]

Mr. King asked the Secretary for Foreign Affairs whether there have been communicated to President Wilson copies of all treaties, whether secret or public, and memoranda of all other agreements or undertakings to which this country has become a party since 4th August, 1914; and if not, whether copies of all such documents will be handed to the American ambassador in London.

Mr. BALFOUR. The honorable member may rest assured that President Wilson is kept fully informed by the Allies.

You would understand from that that these secret agreements had been made known to the President?

Secretary LANSING. I should dislike very much to interpret the language of Mr. Balfour.

Senator BORAH. It does not need much interpretation, does it?

Senator HITCHCOCK. What was the date of that?

Senator BORAH. March 4, 1918. When did this Government make known to China the existence of these secret agreements?

Secretary LANSING. I do not know as the Government ever made them known to China, because China had delegates at Paris, and I assume that she was more or less cognizant of the agreements at the same time that we were.

Senator BORAH. Notwithstanding the statement of Ishii and the statement of Mr. Balfour, it is a matter of fact that the Secretary of State of the United States had no knowledge of these treaties until after the signing of the armistice, is it not?

Secretary LANSING. That is true.

Senator BORAH. That is all.

Senator BRANDEGEE. You said the other day, Mr. Secretary, if I recall correctly, that you would have made the so-called Lansing-Ishii agreement just the same if you had known that these secret treaties were in existence?

Secretary LANSING. Yes.

Senator BRANDEGEE. Involving the turning over of Shantung, or the rights in Shantung, to Japan?

Secretary LANSING. Yes.

Senator BRANDEGEE. Has the so-called Lansing-Ishii agreement any binding force on this country?

Secretary LANSING. No.

Senator BRANDEGEE. It is simply a declaration of your policy, or the policy of this Government, as long as the President and the State Department want to continue that policy, I suppose?

Secretary LANSING. Exactly, in the same way that the Root-Takahira agreement is.

Senator BRANDEGEE. Will you be kind enough to state again the date of the Lansing-Ishii agreement?

Secretary LANSING. November 7, 1917.

Senator BRANDEGEE. That is all I care to ask upon that. I have some other questions relating to other things.

Senator MOSES. Mr. Secretary, the monarchy in Russia was overthrown in March, 1917?

Secretary LANSING. Yes.

Senator MOSES. And the Kerensky government was replaced by Lenin-Trotski government in the autumn of that year?

Secretary LANSING. Yes.

Senator JOHNSON of California. November 7.

Senator MOSES. Was our embassy at Petrograd in touch constantly for information during that period?

Secretary LANSING. During the Kerensky régime, yes.

Senator MOSES. And through the early days of the Lenin-Trotski régime?

Secretary LANSING. Yes.

Senator MOSES. At Petrograd?

Secretary LANSING. Yes.

Senator MOSES. As I recall, one of the first steps taken by the Lenin-Trotski régime was the publication of certain secret archives of the Russian Government?

Secretary LANSING. Yes.

Senator MOSES. Including what purported to be the texts of many secret treaties. Did the embassy report upon those to this Government?

Secretary LANSING. All of them.

Senator MOSES. And those reports did not include any of these secret treaties which we have been discussing.

Secretary LANSING. None of them.

Senator MOSES. Is it possible that those secret treaties were not published in Petrograd, although published elsewhere?

Secretary LANSING. I do not understand your question.

Senator WILLIAMS. What was the question?

Senator MOSES. I asked him if it was possible that those secret treaties, though published elsewhere, were not made public in Petrograd, inasmuch as it was not long after the first week in November, when Lenine and Trotzky came into power in Petrograd, that the publication of those documents began, and they were published in this country not greatly subsequent to that time?

Senator WILLIAMS. What was the object of that question, Senator?

Senator MOSES. I was trying to find out whether the embassy in Petrograd had overlooked anything in making this report to the State Department.

Secretary LANSING. I can assure you that I have investigated very thoroughly as to that, and they were not published in Russia.

Senator MCCUMBER. Do you intend to go into an explanation of the Lansing-Ishii agreement and its reasons, and so forth, and to put the agreement in the record?

Secretary LANSING. I will.

Senator HITCHCOCK. Mr. Secretary, before you proceed I wish to ask you this. Some secret treaties were published in Russia at a certain period, were they not?

Secretary LANSING. There were some, but none of these.

Senator HITCHCOCK. None relating to the Japanese matters?

Secretary LANSING. No.

Senator BRANDEGEE. Was that done before the Russian revolution?

Secretary LANSING. No.

Senator BRANDEGEE. When the Czar was on the throne?

Secretary LANSING. Do you mean the agreements that were made?

Senator HITCHCOCK. I was referring to the fact that the Lenin-Trotsky government had published, shortly after they came into power, I think in the fall of 1917, certain secret treaties.

Secretary LANSING. Yes.

Senator HITCHCOCK. But they related to European or Asian affairs?

Secretary LANSING. Yes; they did not relate to this matter at all.

Senator MOSES. Were those published in other European capitals, do you know, if not in Petrograd?

Secretary LANSING. I think none were published in other European capitals, unless they also appeared in Russian publications.

Senator JOHNSON of California. Are you going on with that subject of those treaties now, or are you going on to other subjects?

Secretary LANSING. I was going on with the Lansing-Ishii agreement.

Senator JOHNSON of California. I do not want to take you out of the thought on which you are now engaged, but do you intend to take up again the secret treaties that were published by the Russians?

Secretary LANSING. No, sir; I do not.

Senator JOHNSON of California. When you answered Senator Hitchcock you referred to the Japanese treaties alone, did you not?

Secretary LANSING. I referred to them as to being published in Russia.

Senator JOHNSON of California. That they were not published?

Secretary LANSING. Yes.

Senator JOHNSON of California. But there were many secret treaties published by the Russians?

Secretary LANSING. I would not wish to say many, and I would not want to say what they pertained to without examining our records.

Senator JOHNSON of California. You know as a matter of fact that they pertained to territorial dispositions, do you not?

Secretary LANSING. I do not recall, sir; and I would prefer to look that up if you desire.

Senator JOHNSON of California. You have read here a portion of the testimony given by you the other day, part of which contained an interrogation by myself, and that interrogation related in part at least to the treaties other than the treaty with Japan concerning the disposition of Shantung and the islands of the Pacific.

Secretary LANSING. I did not so understand it.

Senator JOHNSON of California. You may be correct in that respect—you were answering only in respect to treaties with Japan.

Secretary LANSING. That is all.

Senator JOHNSON of California. Let me ask you one more question while we are on the subject. You recall that Mr. Balfour was here and addressed the Senate at one time?

Secretary LANSING. Yes.

Senator JOHNSON of California. And that Viviani was here and addressed the Senate?

Secretary LANSING. Yes.

Senator JOHNSON of California. Did either of those gentlemen while here communicate to you any secret treaties that had been executed for the disposition of territory after the war?

Secretary LANSING. Neither of them.

Senator JOHNSON of California. Did either of them on any occasion, either when here or at any other time, communicate to the State Department of the United States any information concerning the treaties that disposed of territory in which the Allies were concerned, the disposition of which was to be made by the peace conference?

Secretary LANSING. None.

Senator JOHNSON of California. As I understood you, you have no recollection of the particular treaties that were published in Russia and published subsequently in this country?

Secretary LANSING. No; I have none.

Senator JOHNSON of California. I understood you to say with some positiveness that you knew that the Japanese treaties—the treaties with Japan—had not been published?

Secretary LANSING. Yes.

Senator JOHNSON of California. Necessarily, to have that information you would have to have some knowledge of what publications were made, would you not?

Secretary LANSING. I need not necessarily have the information, but somebody familiar with the record would have to have the information.

Senator JOHNSON of California. You had somebody who was familiar with the record look it up?

Secretary LANSING. Certainly.

Senator HITCHCOCK. You spoke of the British ambassador having advised you in the fall of 1916 as to the agreement between Great Britain and Japan as to the islands in the Pacific Ocean?

Secretary LANSING. Yes.

Senator HITCHCOCK. The dividing line being the Equator?

Secretary LANSING. Yes.

Secretary HITCHCOCK. At that time the so-called secret treaties with Japan had not been made?

Secretary LANSING. No.

Senator HITCHCOCK. They were not made until the following spring?

Secretary LANSING. The exchange of notes——

Senator HITCHCOCK. That was in the following spring. They were not made at the time you talked with the British ambassador?

Secretary LANSING. No.

Senator MCCUMBER. But the Chinese-Japanese agreement with reference to Shantung was executed in 1915, was it not?

Secretary LANSING. In May, 1915.

Senator POMERENE. Mr. Secretary, up to the time of the exchange of the letters which embraced the Lansing-Ishii agreement, did the Republic of China have any information concerning that agreement?

Secretary LANSING. Do you mean the Lansing-Ishii agreement?

Senator POMERENE. Yes.

Secretary LANSING. Not until it was negotiated and the notes were exchanged.

Senator POMERENE. As this related to Chinese territory, what reason was there, if any, for not conferring with the Chinese representatives with respect to it?

Secretary LANSING. It was a mere matter of declaration of a mutual policy between Japan and the United States in regard to their attitude toward China. It did not directly affect any rights of China, except that the two Governments agreed they would keep their hands off.

Senator BRANDEGEE. You said the other day, did you not, Mr. Secretary, that your principal object in making this so-called agreement was to get a renewed declaration from Japan in favor of the open door in China?

Secretary LANSING. Yes; I did.

Senator POMERENE. When, if at all, did you first learn that the Chinese Government took any exception to the Lansing-Ishii agreement?

Secretary LANSING. We had no definite information that China took exception to the Lansing-Ishii agreement. They did make a declaration, which I was going to state later in discussing that agreement.

Senator POMERENE. If you are going into that later, I will not pursue it now.

Senator NEW. I wish to ask you, Mr. Secretary, if you knew that the General Board of the Navy had at any time considered the proposed disposition of the Pacific islands, and had made any recommendation concerning the attitude of the United States toward that disposition of them?

Secretary LANSING. I can not say that I have direct knowledge of that, but it seems to me that there was some consideration, very naturally, as to the disposition of those islands, more particularly on account of the trans-Pacific cables.

Senator NEW. Do you know or do you not know that there was a formal recommendation made by the General Board of the Navy with reference to that subject?

Secretary LANSING. I do not, sir.

Senator NEW. Then, not knowing that, you can not say that any action was ever taken concerning it?

Secretary LANSING. It would depend very largely on when such a recommendation was made, as to its effect on the negotiations in Paris.

Senator NEW. That is all.

Senator BRANDEGEE. Mr. Secretary, I suppose you mean that no official protest was made by China against the Lansing-Ishii agreement; but my recollection is that the newspaper dispatches at the time stated that Chinese sentiment was very much opposed to it. Do you not remember that?

Secretary LANSING. There was something of that sort; yes, in regard to the Lansing-Ishii agreement. I suggested to Viscount Ishii that it would be well for the two Governments to reaffirm the open-door policy, on the ground that reports were being spread as to the purpose of Japan to take advantage of the situation created by the war to extend her influence over China—political influence. Ishii replied to me that he would like to consider that matter, but that, of course, he felt that Japan had a special interest in China, and that that should be mentioned in any agreement that we had; and I replied to him that we, of course, recognized that Japan, on account of her geographical position, had a peculiar interest in China, but that it was not political in nature, and that the danger of a statement of special interest was that it might be so construed, and therefore I objected to making such a statement.

At another interview we discussed the phrase "special interests," which the Japanese Government had been very insistent upon, and which, with the explanation I have made, I was not very strongly opposed to, thinking that the reaffirmation of the open-door policy was the most essential thing that we could have at this time; and we discussed the phrase which appeared in the draft note, "special

interest," and I told him then that if it meant "paramount interest," I could not discuss it further; but if he meant special interest based upon geographical position, I would consider the insertion of it in the note. Then it was, during that same interview, that we mentioned "paramount interest" and he made a reference to the Monroe doctrine, and rather a suggestion that there should be a Monroe doctrine for the Far East.

And I told him that there seemed to be a misconception as to the underlying principle of the Monroe doctrine; that it was not an assertion of primacy or paramount interest by the United States in its relation to other American Republics; that its purpose was to prevent foreign powers from interfering with the separate rights of any nation in this hemisphere, and that the whole aim was to preserve to each Republic the power of self-development. I said further that so far as aiding in this development the United States claimed no special privileges over other countries.

Senator BRANDEGEE. Excuse me, Mr. Secretary. Were these oral declarations that were made?

Secretary LANSING. Oral entirely.

Senator BRANDEGEE. No stenographer was present?

Secretary LANSING. No stenographer was present.

Senator BRANDEGEE. This is from memory?

Secretary LANSING. Not at all. It is made from memoranda which I dictated to a stenographer immediately upon the departure of Count Ishii.

Senator WILLIAMS. That is the usual way of keeping these records.

Secretary LANSING. It is the only possible way.

Senator BRANDEGEE. Yes.

Secretary LANSING. I told Viscount Ishii that I felt that the same principle should be applied to China, and that no special privileges, and certainly no paramount interest, in that country should be claimed by any foreign power. While the phrasing of the notes to be exchanged was further considered, the meaning of "special interest" was not again discussed.

Senator BRANDEGEE. Will you pardon an interruption there?

Secretary LANSING. Yes, sir.

Senator BRANDEGEE. What did Count Ishii say? Did he apparently coincide with your view or did he maintain silence?

Secretary LANSING. He maintained silence.

Senator BORAH. Have you anything more, Mr. Secretary?

Secretary LANSING. Not so far as "special interest" is concerned.

Senator BORAH. Have you finished about the Lansing-Ishii agreement?

Secretary LANSING. Not entirely.

Senator WILLIAMS. I suggest that he finish.

Senator BRANDEGEE. I would like to ask one question there. Have you a copy of the Lansing-Ishii agreement in the room here?

Secretary LANSING. I have one here somewhere. It is a Senate document.

Senator BRANDEGEE. Please give the number of it.

Secretary LANSING. No; I beg your pardon, it is not a Senate document. It is one of the treaty series.

Senator BRANDEGEE. For the use of the State Department?

Secretary LANSING. For the use of the State Department. Treaty Series No. 630.

Senator POMERENE. There is no objection to incorporating that in your testimony, is there?

Secretary LANSING. Not at all, sir.

Senator POMERENE. I ask that that may be done.

The CHAIRMAN. That will be done.

(The agreement referred to is here printed in full as follows:)

AGREEMENT EFFECTED BY EXCHANGE OF NOTES BETWEEN THE UNITED STATES AND JAPAN—MUTUAL INTEREST RELATING TO THE REPUBLIC OF CHINA—SIGNED NOVEMBER 2, 1917.

(The Secretary of State to the Ambassador Extraordinary and Plenipotentiary of Japan on special mission.)

DEPARTMENT OF STATE,
Washington, November 2, 1917.

EXCELLENCY: I have the honor to communicate herein my understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of the United States and Japan recognize that territorial propinquity creates special relations between countries, and consequently the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired, and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other powers.

The Governments of the United States and Japan deny that they have any purpose to infringe in any way the independence or territorial integrity of China, and they declare, furthermore, that they always adhere to the principle of the so-called "open door" or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any government of any special rights or privileges that would affect the independence or territorial integrity of China, or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I shall be glad to have Your Excellency confirm this understanding of the agreement reached by us.

Accept, Excellency, the renewed assurance of my highest consideration.

ROBERT LANSING.

His Excellency VISCOUNT KIKUJIRO ISHII,
Ambassador Extraordinary and Plenipotentiary of Japan, on Special Mission.

(The Ambassador Extraordinary and Plenipotentiary of Japan, on Special Mission, to the Secretary of State.)

THE SPECIAL MISSION OF JAPAN,
Washington, November 2, 1917.

SIR: I have the honor to acknowledge the receipt of your note of to-day, communicating to me your understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

I am happy to be able to confirm to you, under authorization of my Government, the understanding in question set forth in the following terms:

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of Japan and the United States recognize that territorial propinquity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired, and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests, they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other powers.

The Governments of Japan and the United States deny that they have any purpose to infringe in any way the independence or territorial integrity of China and they declare, furthermore, that they always adhere to the principle of the so-called "open door," or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any Government of any special rights or privileges that would affect the independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I take this opportunity to convey to you, sir, the assurances of my highest consideration.

K. ISHII,
Ambassador Extraordinary and
Plenipotentiary of Japan on Special Mission.

HON. ROBERT LANSING,
Secretary of State.

Secretary LANSING. On the 2d of November, 1917, as will appear by the document, the notes were exchanged between this Government and Japan, and I issued on the 6th, the time the notes were made public, a statement in regard to them. There are portions of that statement that I would like to incorporate.

Senator BRANDEGEE. Why not put the whole statement in; I mean, furnish it to the stenographer? Let us have the whole statement.

Secretary LANSING. I have not the whole statement.

Senator MCCUMBER. If it is not too long, may it not be read now?

Secretary LANSING. This is real short, and I think it will save time to read this.

Senator BRANDEGEE. I do not mean to read it all now, but later to furnish the whole statement so that it can be incorporated.

Senator HITCHCOCK. I think we ought to have read what he has now.

Senator BRANDEGEE. Certainly.

Secretary LANSING (reading):

There had unquestionably been growing up between the peoples of the two countries a feeling of suspicion as to the motives inducing the activities of the other in the Far East, a feeling which, if unchecked, promised to develop a serious situation. Rumors and reports of improper intentions were increasing and were more and more believed. Legitimate commercial and industrial enterprises without ulterior motive were presumed to have political significance, with the result that opposition to those enterprises was aroused in the other country.

By frankly denouncing the evil influences which have been at work, by openly proclaiming that the policy of Japan is not one of aggression, and by declaring that there is no intention to take advantage commercially or industrially of the special relation to China created by geographical position, the representatives of Japan have cleared the diplomatic atmosphere of the suspicions which had been so carefully spread by our enemies and by misguided or overzealous people in both countries.

The statements in the notes require no explanation. They not only contain a reaffirmation of the "open door" policy, but introduce a principle of noninterference with the sovereignty and territorial integrity of China, which, generally applied, is essential to perpetual international peace, as clearly declared by President Wilson, and which is the very foundation also of Pan Americanism as interpreted by this Government.

That is all I desire to read.

Senator McCUMBER. That is a statement that you issued for publication at the time, in connection with the agreement?

Secretary LANSING. Yes, sir; for publication.

Senator FALL. Would it interrupt to ask a question?

Secretary LANSING. Not at all.

Senator FALL. You made a statement as to the interpretation of Pan Americanism. Do you understand that the Monroe doctrine and the Pan-American doctrine as declared by President Wilson are the same?

Secretary LANSING. No, sir.

Senator FALL. I did not understand that.

Secretary LANSING. They come to the same result but they are entirely on a different basis. The Monroe doctrine is purely a national doctrine. Pan Americanism is an international policy.

Senator HITCHCOCK. Did Viscount Ishii make any public statement following the agreement?

Secretary LANSING. He did, very much of a similar order.

Senator HITCHCOCK. That was published in this country, or only in Japan?

Secretary LANSING. I think it was telegraphed back here. I can not recall exactly. He did make a statement on leaving this country. I think his Government also made a statement in Japan.

Senator BRANDEGEE. Is it your understanding, Mr. Secretary, that the original use of the Monroe doctrine was based upon the theory that it was necessary for our defense?

Secretary LANSING. Entirely so.

Senator WILLIAMS. Defense of our institutions, too?

Senator BRANDEGEE. Yes; of our country and our institutions.

Secretary LANSING. It was apparently a national policy.

Senator BRANDEGEE. And a warning.

Senator WILLIAMS. A declaration by the United States, with a threat by the United States that she would maintain it by force, if necessary.

Senator BORAH. Are you through with that incident, Mr. Secretary?

Secretary LANSING. I am, sir.

Senator BORAH. Mr. Secretary, in order that we may have a chronological statement——

Senator NEW. You say it was announced as a national policy?

Secretary LANSING. The Monroe doctrine?

Senator NEW. Yes.

Secretary LANSING. Yes.

Senator NEW. Not as a regional understanding?

Secretary LANSING. It had that effect, very decidedly.

Senator NEW. But it was a national policy.

Secretary LANSING. A national policy.

Senator NEW. Announced by this country for itself and by itself?

Secretary LANSING. Yes; it was a selfish doctrine. Pan Americanism is an unselfish doctrine.

Senator WILLIAMS. Just following up what he said, I understood him to ask you if it was a regional understanding. It does pertain to the Western Hemisphere?

Secretary LANSING. Entirely.

Senator WILLIAMS. There was more or less of an express or implicit understanding among the peoples of the earth that they respected it, was there not?

Secretary LANSING. Yes, sir.

Senator WILLIAMS. And they accepted it practically, whether they did or not.

Secretary LANSING. Yes.

Senator WILLIAMS. And it was an understanding, and it was regional.

Senator FALL. I do not like to interrupt the proceedings to call attention to specific matters and declarations of other countries or language of other countries with reference to the Monroe doctrine, but I do not want by my silence to seem to agree with the statement made by the Senator from Mississippi and with the answers of the Secretary. It has been challenged.

Senator WILLIAMS. I never said it had not. I was getting the Secretary's opinion and expressing my own. I did not mean to intrench in the slightest degree upon your right to have a different opinion.

Senator FALL. Exactly. The Senator could not do that. However, the word "understanding" implies something more than a unilateral declaration, does it not?

Secretary LANSING. Necessarily.

Senator WILLIAMS. Let me ask the Secretary this question: Was there not an understanding between us and Great Britain not to go any further, even before President Monroe announced the doctrine?

Secretary LANSING. That is apparently the evidence of history, that Canning had a great deal to do with the announcement of the Monroe Doctrine.

Senator FALL. And the United States distinctly declined to make the declaration jointly with Great Britain, which is clearly shown by the correspondence between the various parties, including Jefferson, Madison, Adams, and Monroe.

The CHAIRMAN. We went so much further than Canning expected, that he rejected it.

Senator WILLIAMS. To go a step further, the United States declined to make a joint announcement with Great Britain as was suggested by Canning, but the United States made an announcement upon her own hook, and there had been a previous understanding that Canning wanted the announcement made. Now, that is all I am contending for. So that there was an understanding which was to be constituted a part of President Monroe's proclamation. It did constitute a part of it; there is no doubt about that.

Senator FALL. The Senator is another man skilled in the English language, and he can express in his words what he understands, I presume, or what he wants people to understand that he understands, as to an understanding between Canning and the United States which was never arrived at.

Senator BRANDEGEE. I wish to state, in relation to what the Senator from Mississippi has said, that Canning made the suggestion that we fell into.

Senator FALL. Canning made the suggestion, which we repudiated.

Senator WILLIAMS. But under our principle of not being involved in entangling alliances, we did not want to be involved. And, by the way, Mr. Jefferson was in favor of its being a joint announcement.

Senator FALL. Mr. Chairman, I can not allow such historical distortions, made, of course unintentionally, to go into the record.

Senator WILLIAMS. We will let it speak for itself. The gentlemen will find it in Mr. Jefferson's answer.

Senator FALL. I challenge that statement.

The CHAIRMAN. I will say to the committee that I think the discussion of the Monroe Doctrine is hardly necessary at this point of the hearing of the Secretary.

Senator WILLIAMS. I have thought so all along.

The CHAIRMAN. Why did you indulge in it, then?

Senator BORAH. Mr. Secretary, I do not desire to ask anything about the Monroe Doctrine. We all understood what it was, up to six months ago.

Secretary LANSING. I congratulate the Senator, because there seems to be a wide difference of opinion as to what it means. He may be the only man that knows.

Senator BORAH. There has been no misunderstanding until lately.

Mr. Secretary, in order to get a connected statement as to the situation, at the time that Ishii appeared here for the purpose of consummating this agreement, the 21 demands were made, in the early part of the year 1915?

Secretary LANSING. Yes.

Senator BORAH. The first four groups of those demands had been acceded to by China in her agreement with Japan in what is known as the Japanese-Chinese agreement?

Secretary LANSING. Yes.

Senator BORAH. Then at the time that Ishii appeared here, the agreement, which followed the demands, had been made known to the world?

Secretary LANSING. Yes.

Senator BORAH. Now, who suggested the proposition of inserting in the agreement which you made with Ishii this proposition of special interest?

Secretary LANSING. It was made by Count Ishii.

Senator BORAH. You suggested to him that if that meant political control or paramount control, you did not care to discuss it?

Secretary LANSING. Yes.

Senator BORAH. What did he say in reply to that, which would indicate that he waived that construction upon your part?

Secretary LANSING. He continued the discussion.

Senator BORAH. And continued it along what line?

Secretary LANSING. Well, only along the line that he inserted it in his counterdraft of a note and urged that it be included. But he understood exactly what I interpreted the words "special interest" to mean.

Senator BORAH. And you understood what he interpreted them to mean?

Secretary LANSING. No; I did not.

Senator BORAH. He had said that his idea was that Japan had special interests in China which ought to be recognized, and by those special interests he meant paramount control?

Secretary LANSING. Yes; and I told him I would not consider it.

Senator BORAH. Did he say, "Very well, I adopt that construction of it," or anything of that kind?

Secretary LANSING. No, but he continued to introduce the words "special interest"; but he knew that if he did not take my meaning I could not continue the discussion.

Senator BORAH. Is it not a fact that before and after he appeared, his country, officially or semiofficially, placed the construction upon it which Ishii placed upon it?

Secretary LANSING. Before?

Senator BORAH. Yes.

Secretary LANSING. Not to my knowledge, further than his statement.

Senator BORAH. I have a dispatch here from the Russian ambassador to his home Government, made October 22, 1917, in which he said that Japanese——

Senator POMERENE. From what are you reading?

Senator BORAH. From a copy of this dispatch published in "Democracy and the Eastern Question."

Secretary LANSING. By whom?

Senator BORAH. By Mr. Millard. Is there any question about the authenticity of the dispatch?

Secretary LANSING. No question, because I do not know anything about it, except his publication of it.

Senator BORAH. Do you have any doubt about this publication being correct, as to this dispatch?

Secretary LANSING. I have no information on the subject at all, one way or the other.

Senator BORAH. Then you do not desire to have it inferred from your answer that it is false?

Secretary LANSING. No.

Senator WILLIAMS. Or true?

Secretary LANSING. No, neither one.

Senator BORAH. We will read it and see whether time proves it to be true. [Reading:]

The Japanese are manifesting more and more clearly a tendency to interpret the special position of Japan in China, inter alia, in the sense that other powers must not undertake in China any political steps without previously exchanging views with Japan on the subject—a condition that would to some extent establish a Japanese control over the foreign affairs of China. On the other hand, the Japanese Government does not attach great importance to its recognition of the principle of the open door and the integrity of China, regarding it as merely a repetition of the assurances repeatedly given by it earlier to other powers and implying no new restrictions for the Japanese policy in China. It is therefore quite possible that in some future time there may arise in this connection misunderstandings between the United States and Japan. The minister for foreign affairs again confirmed to-day in conversation with me that in the negotiations by Viscount Ishii the question at issue is not some special concession to Japan in these or other parts of China, but Japan's special position in China as a whole.

That information, I take it, was unknown to you at the time you had your discussion with Ishii.

Secretary LANSING. That dispatch?

Senator BORAH. Yes.

Secretary LANSING. Entirely so. I would call your attention to the fact that the Root-Takahira agreement included an arrangement between Japan and the United States that they would take no steps without consulting each other, and it would have the same effect as this statement made by the Russian Ambassador.

Senator BORAH. And in another dispatch from the Russian Ambassador under date of November 1, 1917, there is another paragraph which I quote. [Reading:]

To my question whether he did not fear—

This was the Minister of Foreign Affairs for Japan that he was talking to—

that in the future misunderstandings might arise from the different interpretations by Japan and the United States of the meaning of the terms "special position" and "special interests" of Japan in China, Viscount Motono replied by saying that (a gap in the original). Nevertheless I gain the impression from the words of the minister that he is conscious of the possibility of misunderstandings also in the future, but is of the opinion that in such a case Japan would have better means at her disposal for carrying into effect her interpretation than the United States.

Now, it is a fact that you stated the other day, is it not, Mr. Secretary, that after this Lansing-Ishii agreement was made, Japan placed the construction upon it which Ishii desired to have you place upon it in the first instance?

Secretary LANSING. I have no recollection that there is any statement made by the Japanese Government as to the fact which you set forth.

Senator BORAH. Have you information that it was made by the press of Japan?

Secretary LANSING. Oh, yes.

Senator BORAH. And by publications which are under the control of the Government?

Secretary LANSING. That I do not know.

Senator BORAH. Now, these notes between yourself and Count Ishii were published first in Japan, were they not?

Secretary LANSING. Yes.

Senator BORAH. Was that in accordance with the understanding?

Secretary LANSING. I believe not. I believe they were published—I believe they came to the knowledge of China before they were made public.

Senator BORAH. Japan presented the information of these notes to China?

Secretary LANSING. That is my recollection.

Senator BORAH. Yes; and the first knowledge that the American ambassador had of the contents of the notes or that they existed came to him from the Japanese Government?

Secretary LANSING. That I can not tell you. Very likely that is so, however.

Senator BORAH. They were published there. There was an agreement as to the date upon which they should be published and made known to the world?

Secretary LANSING. The 6th of November; four days after they were signed.

Senator BORAH. And they were published in China and Japan prior to that time?

Secratary LANSING. I will not say that they were published.

Senator BORAH. They were made known to China prior to that?

Secretary LANSING. Yes.

Senator BORAH. And the information came back here prior to the time it should have been published?

Secretary LANSING. I think not. I do not think you could have had it by cable.

Senator BORAH. The information came to this country not through the Secretary of State, but through cable from China and Japan.

Secretary LANSING. I can not tell that. I do not recall any such thing.

Senator BORAH. The Chinese Legation issued a statement in the nature of a protest, November 12, 1917.

Secretary LANSING. Not a protest.

Senator BORAH. What do you regard it?

Secretary LANSING. A declaration, as she called it.

Senator BORAH. I said, "in the nature of a protest." I should say, "a declaration."

Senator HITCHCOCK. That was after the publication?

Senator BORAH. Yes. Of course they could not issue it before, because they did not know.

Senator HITCHCOCK. You intimated that the Chinese Government did have advance information, and I thought possibly you might be under the impression that they issued this proclamation before.

Senator BORAH. If I led to that inference I should be corrected. It is declared [reading]:

The Government of the United States and the Government of Japan have recently, in order to silence mischievous reports, effected an exchange of notes at Washington concerning their desires and intentions with regard to China. Copies of the said notes have been communicated to the Chinese Government by the Japanese Minister at Peking; and the Chinese Government, in order to avoid misunderstanding, hastens to make the following declaration so as to make known the views of the Government.

The principle adopted by the Chinese Government towards the friendly nations has always been one of justice and equality; and consequently the rights enjoyed by the friendly nations derived from the treaties have been consistently respected, and so, even with the special relations between countries created by the fact of territorial contiguity, it is only in so far as they have already been provided for in her existing treaties. Hereafter the Chinese Government will still adhere to the principle hitherto adopted, and hereby it is again declared that the Chinese Government will not allow herself to be bound by any agreement entered into by other nations.

That last sentence undoubtedly had reference to the Ishii agreement?

Secretary LANSING. Yes.

Senator BORAH. And they undoubtedly interpreted it as giving more than a geographical interest in China.

Secretary LANSING. That is an assumption that I do not think follows from the language.

Senator BORAH. What is your construction of it?

Secretary LANSING. Simply that that was a very natural thing for a Government to issue a declaration of that sort because it was dealing more or less with her interests. I wish, since you have inserted the text of that declaration into the hearing, that you would also insert the title.

Senator BORAH (reading):

Declaration of the Chinese Government concerning the notes exchanged between the Governments of the United States and Japan, dated November 2, 1917.

Senator POMERENE. May I suggest there that it would seem to be a natural thing for the Chinese Government to issue such a declaration in view of the fact that the newspapers of Japan had apparently placed a different construction upon the agreement from that which was entertained by the United States.

Senator BORAH. I do not know whether they had prior to the 12th of November or not, because that was only five days after the publication in Japan.

Senator POMERENE. I had in mind the fact that you had stated that there were such publications.

Senator BORAH. No doubt there were such views in the Japanese press.

I would like the Secretary to make clear to my untrained mind the difference between a declaration and a protest in the diplomatic world.

Secretary LANSING. There is a very decided difference. A protest calls for an answer, and a declaration does not.

Senator HITCHCOCK. The declaration was in entire accord with the American interpretation of the Lansing-Ishii agreement?

Secretary LANSING. Entirely, sir.

Senator WILLIAMS. The Monroe doctrine did not call for any answer.

Secretary LANSING. That declaration was delivered to the State Department here by the Chinese ambassador, and it was also delivered at the Japanese Government.

Senator BRANDEGEE. May I ask you, Mr. Secretary, at the time you and Count Ishii were having your conversations in relation to this subject, and as to what "special interests" meant, did he say anything which would allow you to understand what he meant by the term "special interests"?

Secretary LANSING. Nothing further than I have stated.

Senator BRANDEGEE. Did he at any time intimate that it meant paramountcy or interest different from that of any other nation, other than from Japan's propinquity to China?

Secretary LANSING. My only recollection as to that is that he wished to have inserted the words "special interests and influence," and I objected seriously to the insertion of the words "and influence," and they were stricken out.

Senator BRANDEGEE. He gave no intimation of what he understood by those terms? He did not attempt to define either "influence" or "special interests," did he?

Secretary LANSING. Nothing further than that, except that the insertion of the words "and influence" indicated that he understood fully my interpretation of "special interests."

Senator BRANDEGEE. "Special interests" could not mean anything else, in your opinion, could it, except——

Secretary LANSING. Political.

Senator BRANDEGEE (continuing). Except political?

Secretary LANSING. That is true.

Senator BORAH. That is all I want to ask.

Senator JOHNSON of California. Mr. Secretary, may I direct your attention again to what are termed the secret treaties published by Trotski after November, 1917, when the Kerensky government fell?

Up to the time of those publications and the transmission, as you have suggested, by the representative of the United States to our Government, did our Government have any knowledge whatsoever of those secret treaties?

Secretary LANSING. I think not, sir.

Senator JOHNSON of California. Are you familiar with their terms now?

Secretary LANSING. No; I could not, without refreshing my memory as to the terms of any treaties that were entered into——

Senator JOHNSON of California. But the first intimation that the United States had of those secret treaties was in the publication by Trotsky?

Secretary LANSING. Yes.

Senator JOHNSON of California. Was there any position taken by our commissioners at Paris concerning secret treaties?

Secretary LANSING. Only in the spitit of the treaty, finally.

Senator JOHNSON of California. In the discussion and the conversations, the debates, or the arguments, was there a definite position at any time taken by the American commissioners concerning secret treaties?

Secretary LANSING. Well, I should not wish to answer that, because—of course you understand the organization of the peace conference for work, do you not?

Senator JOHNSON of California. Partially so. I would not say wholly so.

Secretary LANSING. I might explain that.

Senator JOHNSON of California. If you please.

Secretary LANSING. In the first instance, it was discovered that to deal with so many delegates and delegations as there were at Paris was not a practicable way of doing business. There were some 80 delegates. It was therefore determined that there should be instituted a council of ten composed of the 5 heads of the principal powers, and the 5 foreign ministers of the several powers. They dealt with the questions and planned in a general way the work of the conference. Certain commissions were appointed by the conference at the suggestion of the Council of Ten, and on the other hand, other commissions were appointed directly by the Council of Ten when it became necessary to deal with specific subjects.

Later, it was deemed advisable that there should be a division of the Council of Ten in order that the work might progress more rapidly, a division into a council of heads of States which was composed of President Wilson, Mr. Lloyd George, Mr. Clemenceau, and Mr. Orlando, and then there was a council of foreign ministers established which was composed of the foreign ministers of the heads of the principal Governments, at which presided Mr. Pichon, French minister of foreign affairs, Mr. Balfour, Baron Sonnino, and myself, ministers of foreign affairs, and Baron Makino, of Japan, who was a former minister of foreign affairs of Japan.

Senator MOSES. There were, then five in the Council of Foreign Ministers and only four in the Council of the Heads of the States?

Secretary LANSING. Yes; they were frequently designated as the Council of Four and the Council of Five.

The Council of Four practically had entire control of all the activities of the various councils, commissions, and committees that were appointed.

The Council of Five took up the questions which were referred to it by the Council of Four. They frequently had hearings, and they frequently even appointed special committees to consider subjects and report directly to them; but in the majority of cases they passed

on questions that were submitted to them and made recommendations to the Council of Four, who adopted, rejected, or amended their recommendations.

That was the system of operation, and that prevailed to the last.

Senator JOHNSON of California. Did the Council of Five have referred to it at any time questions of territorial disposition?

Secretary LANSING. Many.

Senator JOHNSON of California. As a member of the council, and as one of the representatives of the United States, did you have any policy concerning secret treaties?

Secretary LANSING. I do not recall that the question of secret treaties came up before the Council of Five at all.

Senator JOHNSON of California. So far as you are aware, did the United States commissioners have any policy respecting secret treaties?

Secretary LANSING. I think that as I merely stated the policy myself. I was approached by one of the Italian representatives as to the treaty of London. That was before we had had any meetings of the conference, at all, and he wanted to know what the attitude of the United States would be toward the treaty of London, and I said that so far as the United States was concerned it would support the treaty of London if it was just, and if it was unjust it would resist it or any portion of it.

Senator JOHNSON of California. Pardon me for repeating the question: Specifically, then, there was no policy outlined for the American Commissioners concerning secret treaties, at all?

Secretary LANSING. We did not consider ourselves bound by secret treaties.

Senator JOHNSON of California. That is exactly what I mean That was a definite policy?

Secretary LANSING. A definite policy.

Senator JOHNSON of California. And that was the policy of the United States Commissioner in the negotiations at Paris?

Secretary LANSING. Yes.

Senator JOHNSON of California. Yes.

Senator WILLIAMS. But I understand you further to have left the inference, at any rate, that where the provisions of a treaty were just and reasonable, the United States would respect them?

Secretary LANSING. Yes. Oh, yes.

Senator JOHNSON of California. That was, Senator, as I gathered it, irrespective of any treaty; they would determine the matter upon its justice. Is not that correct?

Secretary LANSING. Yes.

Senator WILLIAMS. I did not quite mean that, Senator, where it had not been determined by the treaty; but if the determination by the treaty was reasonable and just, the United States would respect it?

Secretary LANSING. Yes.

Senator JOHNSON of California. Let me see if I get that correctly. Was it not the justice of the particular territorial disposition that controlled, with you, rather than any secret treaty?

Secretary LANSING. Yes.

Senator JOHNSON of California. Yes; I think I understand you.

Secretary LANSING. Yes. Of course you will bear in mind, in that connection, that it is not always possible, in a diplomatic negotiation such as this, to carry out entirely your own ideas of what justice is.

Senator JOHNSON of California. I recognize that.

Secretary LANSING. And we had to make peace.

Senator JOHNSON of California. Yes. Now, are you familiar with any engagements, if there are any, that the United States undertakes in the Austrian treaty?

Senator WILLIAMS. What is that question?

Senator JOHNSON of California. I asked him if there were any engagements with which he was familiar that the United States undertakes in the Austrian treaty?

Secretary LANSING. I should want to refresh my memory on that. I do not think I have got the full text of the Austrian treaty.

Senator JOHNSON of California. You could not speak with accuracy of that, at present?

Secertary LANSING. I could not speak at all.

Senator WILLIAMS. With authority?

Senator JOHNSON of California. No; accurately, he said. Do you know whether or not in the Turkish and in the Bulgarian treaties that are contemplated there are any engagements that the United States is to undertake?

Secretary LANSING. We have had no text on those at all.

Senator JOHNSON of California. So that the full engagements in which the United States may be involved can not be determined until we get the full text of all the treaties.

Secretary LANSING. That is quite true, of course.

Senator JOHNSON of California. Do you know whether there is any tripartite agreement with respect to the Orient or the Far East between France, England, and Japan?

Secretary LANSING. I have never seen any. I have heard of such an agreement, but I do not know of its contents, only in that general way.

Senator JOHNSON of California. You say you have heard of it in a general way. Have you heard of it officially?

Secretary LANSING. No, sir.

Senator JOHNSON of California. Have you heard of it in such fashion that in your opinion you could say that such an agreement exists?

Secretary LANSING. I should not wish to say so, but I believe so.

Senator HITCHCOCK. Are you speaking of the Near East now?

Senator JOHNSON of California. I am speaking of the Far East and the Orient.

Senator HITCHCOCK. Are you speaking of Asia Minor?

Senator JOHNSON of California. Yes; of Asia Minor, China, and the territory thereabouts.

Secretary LANSING. Possibly it would help me to answer and it would be of more value to you if I should find out just what this has to do with the German treaty.

Senator JOHNSON of California. It has this to do with it: The German treaty has within it a league of nations. The German treaty has within it a disposition of a part of China. If there is a secret tripartite agreement in existence to-day dealing with other parts of China and other parts of the Far East, of course, we ought to know

it when we are dealing with this particular treaty. That is the theory, exactly, upon which I asked you.

Secretary LANSING. Yes.

Senator JOHNSON of California. In your opinion, then, does such an agreement, such a tripartite agreement—mutual understanding—exist?

Secretary LANSING. That I am not prepared to say, without——

Senator JOHNSON of California. May I rest it upon the proposition that you believe there is such a one?

Secretary LANSING. I believe there is such an agreement. Just what it contains I do not know.

Senator WILLIAMS. To what effect do you believe it extends? What is the substance of the understanding that you believe exists?

Secretary LANSING. I believe there was some agreement early in the war as to, possibly, the spheres of influence in Turkish territory.

Senator WILLIAMS. In Turkish territory?

Secretary LANSING. Yes.

Senator WILLIAMS. Senator, are you inquiring about Turkey, or the Far East?

Senator JOHNSON of California. I was inquiring about Asia Minor and China as well.

Secretary LANSING. I do not know anything about any other agreements with regard to China. I do not believe there are any.

Senator SWANSON. You believe that this agreement is limited to what is generally known as Asia Minor and that section?

Secretary LANSING. To the Ottoman Empire, I would say.

Senator WILLIAMS. I understand, as a matter of newspaper notoriety, at any rate, whether it is true or not—nobody knows how much is true—that there was some sort of agreement between Great Britain and France and Italy and Greece with regard to Syria, Palestine, Mesopotamia, and possibly Armenia. Is that the matter you are referring to?

Secretary LANSING. Yes; that is the matter I am referring to.

Senator JOHNSON of California. We will clear that up. Do you refer to an agreement between France, England, and Japan?

Secretary LANSING. Another one?

Senator JOHNSON of California. Yes.

Secretary LANSING. I never heard of it.

Senator POMERENE. Do I understand, then, that when you said that you believed there was such a tripartite agreement awhile ago, you meant between some other parties and France, Great Britain, and Japan?

Secretary LANSING. No; I did not refer to France, Great Britain, and Japan, at all. I referred to France, Great Britain, and Italy in regard to the Ottoman Empire; nothing else.

Senator JOHNSON of California. Yes; I am glad of the correction, because I thought your answer was open to the suggestion made by Senator Pomerene, and I wanted to get it exactly. The question did involve only those three powers; but you have made that matter plain, now, so far as that is concerned.

Secretary LANSING. Yes.

Senator JOHNSON of California. Do you recall, first, the submission of the German treaty; then subsequently, the matter coming up upon modification or revision?

Secretary LANSING. Yes.

Senator JOHNSON of California. You recall such a thing transpiring?

Secretary LANSING. Yes.

Senator JOHNSON of California. Can you state whether or not it is a fact that Mr. Lloyd-George and Mr. Clemenceau left to the President the determination of whether there should be modification or revision?

Secretary LANSING. No, sir; I do not know.

Senator JOHNSON of California. That is all, so far as I am concerned.

Senator MOSES. Mr. Secretary, what was the reason that Japan had no place on the first council of five?

Secretary LANSING. There was no head of the state.

Senator MOSES. She had a chief plenipotentiary.

Secretary LANSING. I know, but that is a different thing. That is the head delegation. There now are sitting in Paris, instead of the Council of the Heads of States and the Council of Foreign Ministers, a Council of the Heads of Delegations, which are dealing with the Austrian, Bulgarian, and Turkish questions.

Senator MOSES. Roumanian, too?

Secretary LANSING. Roumanian, yes.

Senator MOSES. At any time during the consideration of the treaty was the question of racial minorities brought forward?

Secretary LANSING. I could not answer that with actual knowledge, because whatever was brought forward in that connection was brought forward before the commission on the league of nations, and I was not a member of that commission.

Senator MOSES. Do you think it was brought forward before that commission?

Secretary LANSING. I believe it was.

Senator MOSES. And what determination was made of it?

Secretary LANSING. That I could not answer.

Senator JOHNSON of California. Do you know how our representatives on that commission voted on that question?

Secretary LANSING. I would not answer, sir. I can not.

Senator JOHNSON of California. Do you know anything about the blockade, Mr. Secretary?

Secretary LANSING. The blockade?

Senator JOHNSON of California. Yes.

Secretary LANSING. What feature of it?

Senator JOHNSON of California. Is there a blockade being maintained in respect to Russia at the present time?

Secretary LANSING. No, sir.

Senator JOHNSON of California. Is it off, so far as the United States is concerned?

Secretary LANSING. So far as the United States is concerned.

Senator JOHNSON of California. Were we a party to it for a time?

Secretary LANSING. Only so far as it affected certain ports that were occupied by Germans.

Senator JOHNSON of California. Are our people at liberty to trade with Russia now—I mean European Russia?

Secretary LANSING. To an extent. I do not know how far. That is a matter which the War Trade Board is at present considering. I believe that it would be a rather dangerous thing to do.

Senator JOHNSON of California. Do you know whether we have merchants in Stockholm waiting to go in and trade?

Secretary LANSING. That I do not know. I believe we have, because we have many in neutral countries simply waiting for the treaty of peace to be ratified, when they will go in and stand an equal chance with the British and the French, who are also waiting.

Senator WILLIAMS. With regard to our blockade of certain ports of Russia, do you know whether that affected only those ports of Russia where the commerce of Russia would become indirectly, at any rate, commerce with Germany?

Secretary LANSING. That is practically the only place that we carried on a blockade.

Senator WILLIAMS. That is what I understand.

Secretary LANSING. The attitude of this Government has been that a blockade was an act of war, and that we could not institute a blockade until Congress had declared war on Russia. That has been our attitude, and within a week I have sent such instructions to Paris.

Senator WILLIAMS. That is, a blockade against all Russia?

Secretary LANSING. Yes.

Senator WILLIAMS. A blockade against points in Germany or under German influence?

Secretary LANSING. That is a different thing.

Senator JOHNSON of California. How long have we been a part of the blockade of Russia?

Secretary LANSING. We have not been a part of the blockade, yet.

Senator JOHNSON of California. At any time?

Secretary LANSING. Not that I know of.

Senator JOHNSON of California. Are not the French and the English trading in Germany now?

Secretary LANSING. Trading in Germany?

Senator JOHNSON of California. Yes.

Senator WILLIAMS. Across the border?

Secretary LANSING. I do not know to what extent.

Senator JOHNSON of California. Are not trade relations resumed between the French and the English and the Germans?

Secretary LANSING. Not entirely.

Senator JOHNSON of California. Not entirely; that is quite true; but are they not resumed so that they are resumed in great part?

Secretary LANSING. Without the sanction of the Governments, I believe.

Senator WILLIAMS. We are also trading with Germany, are we not?

Secretary LANSING. Yes.

Senator WILLIAMS. To a certain extent; sending cotton through certain Dutch ports; that goes on through to Germany?

Secretary LANSING. We can not resume trade relations until we have consuls in the various ports, and we can not have consuls in the various ports until this treaty is ratified.

The CHAIRMAN. We abrogated—or terminated, I should say—the Russian treaty, as you will know, some years ago.

Secretary LANSING. Yes.

The CHAIRMAN. Have we ever made another consular treaty with Germany?

Secretary LANSING. Not yet. We have not had the opportunity.

The CHAIRMAN. How did we carry on trade with Germany?

Secretary LANSING. By mutual agreements with our consular officers.

The CHAIRMAN. It is perfectly possible to do that.

Secretary LANSING. With any country.

The CHAIRMAN. Trade can be carried on without a consular treaty.

Secretary LANSING. I did not say a consular treaty; I said without consular officers. You can not carry on much trade without consular officers.

Senator HARDING. What would happen to our trade if England, France, and Japan were to ratify this treaty and we should not?

Secretary LANSING. We could not have consular officers. We could not go on with the trade.

Senator HARDING. The treaty becomes effective on such ratification?

Secretary LANSING. Yes.

Senator MCCUMBER. And the treaty gives us every right that France, England, or Japan would have in commercial relations the moment it is signed, even by them, even though we do not sign?

Secretary LANSING. No; it does not go into effect except by the signature of those who have ratified the treaty.

The CHAIRMAN. I do not think that is the wording of the treaty.

Secretary LANSING. What?

The CHAIRMAN. Is that the wording?

Senator MCCUMBER. Does not the treaty itself provide that when it is ratified so that it becomes an effective treaty even as between those nations, that all nations shall have the right of the most-favored nation?

Secretary LANSING. No, sir; because there is no most-favored-nation clause that we can invoke.

Senator MCCUMBER. No; but if the treaty does provide that every one of the allied and associated nations shall have the rights of the most-favored nation, then when this is signed by Great Britain and France and England and Germany, that gives us the right, does it not?

Secretary LANSING. The right to what?

Senator MCCUMBER. The right of the most-favored nation to trade in Germany's territory? Of course I admit that you would have to have consular agents to get along very well.

Secretary LANSING. Yes; of course.

Senator MCCUMBER. But I am speaking of the bare legal right.

Secretary LANSING. I do not think so.

Senator MCCUMBER. I will simply say that the treaty so provides.

Secretary LANSING. I do not think that the ratification by any other power can create peace between this country and Germany.

Senator MCCUMBER. But it declares what the commercial relations shall be between this country and Germany and all the allied powers, including the United States. I can not turn to it immediately, but I call your attention to it.

Secretary LANSING. But unless we accept that, it does not affect us.

The CHAIRMAN. We are trading with Germany now, as a matter of fact.

Secretary LANSING. To a very small degree, sir.

The CHAIRMAN. Still, we are trading with Germany now, as a matter of fact.

Secretary LANSING. Because it is an emergency.

The CHAIRMAN. I am not going into explanations, but I am simply stating that as a matter of fact we are trading with Germany now.

Secretary LANSING. Yes, but it is not the legalized trade of a time of peace, when we say we are trading with her.

The CHAIRMAN. If you will pardon me, I did not say what kind of trading it was or how much it was. I said that we were trading with Germany now, as a matter of fact.

Secretary LANSING. I quite agree with you, sir, but I do not want to let it rest there. I want to show that the trade we are carrying on with Germany amounts to nothing to-day.

The CHAIRMAN. You can make any explanation you desire, of course.

Secretary LANSING. And it will amount to nothing until we have a restoration of peace; and the only way we can have a restoration of peace is by the ratification of this treaty.

Senator WILLIAMS. Or the making of a new one.

The CHAIRMAN. How about France? I saw it stated that the Chamber of Deputies would not take up the discussion of the peace treaty until the 26th of August.

Secretary LANSING. I heard that was so, sir. That is all I know about it. I have seen that in the paper.

Senator FALL. Mr. Secretrary, I was not here during the first part of your discussion of this consular matter. In the event that we ratified this treaty, would consular arrangements be restored between the United States and Germany at once?

Secretary LANSING. Yes, sir.

Senator FALL. There is no provision in the treaty for that.

Secretary LANSING. That does not make any difference. We could have just a formal agreement. We can send consular officers anywhere, provided we can find a government from which the proper documents can issue.

Senator FALL. We could do that without the treaty of peace.

Secretary LANSING. No; not without the treaty of peace, because we can not trade with enemies.

Senator FALL. The reason for my remark is because I have here before me what purport to be the counterproposals of Germany, with the Brockdorff-Rantzau covering letter, and the answer to the same with the Clemenceau letter, and the specific discussion of yourself and the other peace commissioners; and I find under the discussion of part 10, Economic Causes, a final answer, followed by the other matters, to Germany, containing this statement:

> Consular relations are not reciprocally established, owing to the war activity of German consuls.

That is, not established and not provided for in the Peace Treaty, and this is our official answer:

> Private property of Germans abroad may justly be used to meet reparation charges, as Germany's resources are wholly inadequate and because in the war the allied powers themselves have had to take over foreign investments of their nationals to meet foreign obligations, giving their own domestic obligations in return.

The significant part of it is that in passing upon this treaty I noted, as all the other members did immediately, that there was no provision for reciprocal trade relations except as carried on by certain com-

missions, the Reparation Commission having general governmental powers, for instance; but here is the distinct statement as to why the consular agreements, which we either place in a peace treaty or follow by a separate consular agreement, are not reciprocally established. In answer to the demand of Germany that these very things be done, the specific reason is set forth here, if this is a correct statement of the position of the Allies, and the reason stated why we do not provide for consular relations. I will read it again:

Consular relations are not reciprocally established, owing to the war activity of German consuls.

Senator WILLIAMS. "Reciprocally."

Senator FALL. That was the governing influence with the peace commissioners, was it?

Secretary LANSING. Undoubtedly.

Senator FALL. Then, in the event that we sign this treaty, the war activities of the German consuls would no longer prevent our entering into consular relations with Germany?

Secretary LANSING. Why, we have got to negotiate a consular treaty with Germany, of course.

Senator FALL. Is it not a fact, or an I misinformed, that through your office the statement was made that, in the absence of consular agents or consuls of the United States in Germany, consuls of other countries in Germany would be asked temporarily to take care of the American business, in order that trade might go along?

Secretary LANSING. They have to a certain extent been asked to do so.

Senator JOHNSON of California. Do you mean the consuls of neutral countries?

Secretary LANSING. Of neutral countries; yes.

Senator JOHNSON of California. Has that request been made of them?

Secretary LANSING. I do not recall that it has.

Senator FALL. As I recall, the statement purporting to emanate from your office—possibly it may have been from the Department of Commerce—was that that request had been made, and pending a final arrangement, or the signing of the treaty, and consular arrangements being restored, that consuls of other countries who were there would be asked to take care of American trade, and that American trade with Germany was being carried on through such channels. I assume that it meant through the consuls of such countries as Sweden, Norway, Switzerland, and Holland—neutral countries.

The CHAIRMAN. Are there any further questions that any Senator desires to ask?

Senator SWANSON. On page 537 of the treaty is a provision which says that the treaty only becomes operative with those who ratify it. I will read the provision:

A first procès verbal of the deposit of ratifications will be drawn up as soon as the treaty has been ratified by Germany on the one hand, and by three of the principal allied and associated powers on the other hand.

From the date of this first procès verbal the treaty will come into force between the high contracting parties who have ratified it.

The CHAIRMAN. Read the whole of it.

Senator SWANSON. The rest of it reads:

For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of the treaty.

Of course that limits it to those who ratify it.

Senator MCCUMBER. Let us put into the record this statement in addition, that if the treaty itself provides, and there is an agreement between Germany and Great Britain and France, that Germany shall give to the United States the same rights that she gives to France and Great Britain, then we have the right to take advantage of the treaty which Germany has made with Great Britain and France, that she will give to American citizens the same rights that she gives to the British and French citizens, and that is what I contend this treaty does provide.

Senator SWANSON. But that treaty does not become operative until we agree to it.

Senator MCCUMBER. We can take advantage of it or not, as we choose, but we have that right in the treaty itself.

Senator WILLIAMS. By that the Senator may mean one of two things. If he means that while we are technically at war with Germany we can claim the rights of the most favored nation, that she has given to those who are technically at peace with her, I think he must be mistaken. But immediately after the ratification by us, of course we come into our rights under the treaty.

The CHAIRMAN. Are there any more questions to be asked of the Secretary?

Senator FALL. I should like to ask this question, Mr. Secretary: Has the ban been removed from the importation of German potash? I have a newspaper clipping here which says that the War Trade Board, in response to the farmers' demand for potash for fertilizer, have removed the ban, and that German potash can now be imported into the United States.

Secretary LANSING. That is correct.

Senator FALL. We are technically at war with Germany, and still under the powers vested in the War Trade Board by the laws of the United States the War Trade Board can relieve that condition to the extent of allowing the importation of potash simply by a declaration of the War Trade Board?

Secretary LANSING. Certainly.

Senator FALL. Could the War Trade Board by a similar declaration, or by a similar proclamation, relieve the ban against the trading with Germans in every other way?

Secretary LANSING. Those are imports into this country and not exports to Germany.

Senator FALL. Could they do that? Could they allow German imports to come in?

Secretary LANSING. Possibly we could continue in a state of war with Germany, and the War Trade Board, which is created as an instrument of war, could modify certain prohibitions that were issued.

Senator WILLIAMS. Either in part or in toto?

Secretary LANSING. Yes; I think so.

Senator HARDING. If Germany wanted American raw materials, would there be anything to prevent her getting them if we were agreeable?

Secretary LANSING. And continue at war?

Senator HARDING. Whatever you choose to call it.

Secretary LANSING. I should doubt the feasibility of such a plan as that.

Senator MCCUMBER. Not discussing the question of feasibility, can it be done under the treaty?

Secretary LANSING. Not under the treaty, no.

Senator MCCUMBER. The question is not whether it is feasible, but could American citizens, with the consent of Germany herself, sell goods into Germany? Germany makes no objection, and we make no objection. What is to prevent our sending the goods into Germany, simply in spite of the fact that there is technically a state of war?

Secretary LANSING. A great deal. We have none of the machinery of commerce.

Senator MCCUMBER. We have ships and we have goods. They are the principal machinery.

Secretary LANSING. That is not the only machinery that is necessary.

Senator MCCUMBER. It is difficult, we will say, without consular agents, but I am speaking now of the bare legal right.

Secretary LANSING. Yes, but we would have no claim against a government with which we are at war, if she should violate her agreement.

Senator MCCUMBER. That would be a different proposition entirely.

Senator FALL. Mr. Secretary, if the other Senators are through, I should like to go back to the subject that we were discussing. That is the question of trading between German nationals and American nationals and the German Government and the American Government, in view of your statement with reference to imports. That is certainly a matter of our municipal regulation.

Secretary LANSING. It is.

Senator FALL. In other words, unless we had the trading-with-the-enemy act, which is municipal legislation adopted by the Congress of the United States, there would not have been any penalty at all attaching to trading between the citizens of this country and the citizens of Germany, although enemies, except the liability to seizure of the goods. There would not have been any penalty for such trading, except the liability of seizure, if it had not been for the trading-with-the-enemy act.

Secretary LANSING. We have got to have a law fixing the penalty, of course.

Senator FALL. Then, subject simply to seizure by the respective governments, either as contraband of war or because of the international rule against trading with the enemy, or because of our municipal law, the interchange of products between the two countries is prohibited; but under the international rule the only penalty would be the seizure of the goods and the loss of them, if intended for enemy consumption. Of course, a country has the right always, without municipal legislation, to prevent its citizens sending goods out of the country or trading with the enemy so as to assist the enemy in carrying on the war while we are at war with her. That would be the right of a government in self-protection; but there is no penalty except the seizure of the goods. We passed the trading-with-the-enemy act for

the very purpose of providing a penalty, so that we could immediately seize the goods through our civil authorities as well as we ordinarily could seize them through our military authorities, in order to stop it. Now, there is power vested in the War Trade Board, so you say, to suspend that law in so far as imports from Germany are concerned. They have done that in the matter of potash. Of course, if they could do it in the matter of potash they could do it with reference to chemicals or any other product of Germany.

There is no distinct provision in the law, as I recall it, which gives to the War Trade Board any such authority. My recollection of the trading-with-the-enemy act is that trading, either buying or selling, is prohibited under a penalty, and that the President of the United States may issue licenses allowing citizens of the United States, or presumably alien citizens, possibly enemies, to continue to trade under his license, under proper circumstances, in his discretion. That is the only provision that I find in the trading with the enemy act by which there can be any suspension of the penalty whatsoever; that is, at least in so far as our citizens are concerned. We can not penalize the Germans, because we can not catch them. But as soon as those goods come into the hands of citizens of the United States, unless they have a license from the President of the United States, would they not be liable under the trading-with-the-enemy act?

Secretary LANSING. I assume they would.

Senator FALL. Then along with this declaration or proclamation authorizing the importation of potash there would be necessarily a license from the President to the party receiving the goods and distributing them, to relieve him from the penalties of the trading with the enemy act.

Secretary LANSING. I presume that would be so, but I am not an expert on the provisions of that act, or on the operations of the War Trade Board, although it has recently been placed under the Department of State.

Senator FALL. You readily understand the point I am getting at. Then this whole matter is a matter of municipal legislation under the act of Congress governing the trading.

Secretary LANSING. Yes.

Senator FALL. If the Congress of the United States to-day repealed the provisions contained in the trading-with-the-enemy act, then there would no longer be any penalties, and the trading would be free, would it not?

Secretary LANSING. No.

Senator WILLIAMS. Except still the penalty of seizure?

Secretary LANSING. The penalty of the seizure of the goods coming from Germany.

Senator FALL. Then Congress could not repeal that at all.

Secretary LANSING. I think that is a war power.

Senator FALL. My impression was that the war power belonged to Congress.

Secretary LANSING. The war power, so far as the Military and Naval Establishments are concerned, rests very largely, I believe, with the President of the United States, as Commander in Chief.

Senator FALL. Naturally the direction of the naval and military forces in time of war, of course, rests in the hands of the President. No one undertakes to assert the contrary; but the whole line of my questioning, with which I thought you were in agreement, was that this trading-with-the-enemy act could be suspended so that people could come in here with carloads or shiploads of potash and trade freely with the people of the United States, and that that was all in pursuance of this proclamation by the War Trade Board.

Secretary LANSING. I think it takes a proclamation of the President to do that.

Senator FALL. I thought you said that it was suspended, and that potash was being brought in.

Senator WILLIAMS. Licensed.

Secretary LANSING. Licensed by the President.

Senator FALL. Not in so far as Germans are concerned. The President can not license Germans. He could license them to trade with us, of course, during the war, here in this country; but so far as the importation of potash into this country is concerned, the War Trade Board has issued a proclamation, and potash is being brought into this country at the demand of the farmers. Now, under the ruling of the War Trade Board, this is what is happening. I am not trying to put anybody in a hole or to take any advantage. I am trying to ascertain exactly where we stand; and I myself have suggested that in the face of the trading-with-the-enemy act passed by Congress, an American citizen accepting that potash here and undertaking to distribute it might become liable to the penalties provided in the act itself, unless he operated under a license from the President of the United States. I think that is a fair statement of it, as I understand the law.

Senator WILLIAMS. I think so, too, except this, of course, which I wish to add, that the President made the War Trade Board his instrumentality for the purpose of granting these licenses.

Senator FALL. I am not trying to criticize. I am trying to get at the facts.

Senator WILLIAMS. That is all I am trying to do, and all anyone is trying to do, I think.

Senator FALL. The Senator from Mississippi is entitled to amend the question, or to get such definition of the answer as he desires, if he can.

Now, Mr. Secretary, to get back for a moment, you say you understand we are trading with Germany, and we are using the instrumentalities of the consular agents and consuls of other countries there for that purpose.

Secretary LANSING. I did not say that, sir.

Senator FALL. I misunderstood you. I asked you if it was not a fact, and I understood you to say that you understood it was.

Secretary LANSING. I did not say that I knew that to be a fact. I said I thought so.

Senator FALL. Are we trading with Germany at all?

Secretary LANSING. I do not know anything about the actual trading that is going on with Germany.

Senator FALL. If it is necessary that bills of lading should be viséed by consuls or consular agents, in order that intercourse be carried on between two countries, through their regular diplomatic

agents or through consular agents or consuls of some other country acting for us, you would know it, would you not? That is in your department?

Secretary LANSING. Yes, I assume so; unless something has been done while I was on the way over or while I was in Paris. If something had been done while I was away I might not know it, but I have no recollection of its having been brought to my attention since I returned.

Senator FALL. Then you do not know, as a matter of fact, whether we are trading with the enemy or not?

Secretary LANSING. As a matter of fact I do not know. I assume that we are.

Senator FALL. If we are, we must necessarily be using some other instrumentality for the carrying on of such trade, must we not?

Secretary LANSING. If we go to German ports, yes; but if we go to neutral ports instead of German ports, we do not need to.

Senator FALL. Assuming that we are trading directly with German ports, then we must use some instrumentality, like the consuls or consular agents of neutrals?

Secretary LANSING. Yes.

Senator FALL. Prior to the war we had a consular agreement with Germany.

Secretary LANSING. Yes.

Senator FALL. We first had consular agreements with Prussia and the Hanseatic towns, and Bavaria, and various other independent States.

Secretary LANSING. Yes.

Senator FALL. And then we had a consular agreement with the German Empire?

Secretary LANSING. Yes.

Senator FALL. And that was suspended during the war?

Secretary LANSING. It was abrogated before the war.

Senator FALL. I mean it was in effect up to the time that we dismissed von Bernstorff and broke off diplomatic relations.

Secretary LANSING. It had been abrogated prior to that.

Senator FALL. It had?

Secretary LANSING. Yes; following the Seaman's act. We abrogated about 23 consular treaties at that time.

Senator FALL. You have reference to the La Follette Act?

Secretary LANSING. To the La Follette Act.

Senator FALL. We abrogated that how?

Secretary LANSING. We gave notice to the Governments. According to the terms of the consular treaties, and treaties which contained consular provisions, we gave notice to the various Governments that we abrogated that portion, or the whole treaty.

Senator FALL. Did we withdraw our consuls and consular agents from Germany?

Secretary LANSING. We did not. It was permissive that they would continue, so as not to interrupt the trade.

Senator FALL. What functions did they perform?

Secretary LANSING. The same functions that they had performed previously, but under the general provision as to consular officers.

Senator FALL. That general provision was never abrogated by the United States Government, except as it was suspended by the declaration of war by the Congress of the United States.

Secretary LANSING. Yes; I think that is true. I think your statement of that is correct.

Senator FALL. We continued doing business with Germany right along?

Secretary LANSING. We did.

Senator FALL. Except in so far as the particular provisions with reference to desertions of sailors in ports, and so forth, were concerned.

Secretary LANSING. Of course there were not very many American ships entering German ports.

Senator FALL. No, but the provisions of this seaman's act to which you have reference were with regard to seamen who should desert or leave ships in port?

Secretary LANSING. Yes.

Senator FALL. And subsequent to the passage of the La Follette Act, which abrogated these treaties, we notified these countries that these particular provisions in these consular treaties were abrogated.

Secretary LANSING. Yes.

Senator FALL. As to the other provisions, they remained in full force and effect until we declared war.

Secretary LANSING. They did remain in effect with certain countries.

Senator FALL. With Germany?

Secretary LANSING. That I can not tell you without examining the act. I presume the whole treaty fell in that particular case, because we had a special consular treaty.

Senator FALL. Then if the whole treaty fell, and we continued to do business with Germany, all that is necessary is that there be by the President, whom I assume to be the proper authority, or by some other proper authority, a declaration that peace exists between Germany and the United States, and those consular agreements or arrangements would be restored.

Secretary LANSING. So far as they are concerned it would be—when peace is restored, those provisions would be restored.

Senator WILLIAMS. Senator, if you will pardon me, I should like to ask a question right there, more as a matter of curiosity, because it relates to this.

Senator FALL. Certainly.

Senator WILLIAMS. How far did our cutting off diplomatic relations with Germany affect our consular service, before the declaration of war?

Secretary LANSING. We withdrew our consular officers at the same time.

Senator WILLIAMS. At once?

Secretary LANSING. Yes.

Senator FALL. I noticed in yesterday's dispatches among other things a statement that Rumania would decline to be bound or to abide by or to enter into treaties such as are provided in this treaty that is pending before us, for the protection of racial and religious minorities. Have you had any information upon that subject?

Secretary LANSING. None at all.

Senator FALL. Has your attention been called to the Associated Press dispatches?

Secretary LANSING. No, sir.

Senator HARDING. Mr. Secretary, Rumania wanted to make some reservations in the treaty, did she not?

Secretary LANSING. Yes.

Senator HARDING. Do you know what they were?

Secretary LANSING. They related to minority representation.

Senator FALL. Mr. Secretary, in so far as enemy countries are concerned we have only negotiated a treaty with Germany. That is, in so far as any conclusion of negotiations is concerned. Is that correct?

Secretary LANSING. That is correct.

Senator FALL. With what other countries are there now pending peace-treaty negotiations?

Secretary LANSING. Peace treaties with Austria, Bulgaria, and Turkey are being considered. The negotiations with Austria are practically finished.

Senator FALL. They are in process of negotiation and more or less completed?

Secretary LANSING. Yes; and I assume—though it would be an assumption on my part—that a Hungarian treaty is also being prepared.

Senator FALL. I was going to ask about that. Hungary when we entered the war having been an integral portion of the Austrian Empire and having since been separated, and we recognizing and demanding the separation——

Secretary LANSING. It was a federated monarchial State composed of two distinct sovereignties united under one ruler.

Senator FALL. I said "the Austrian Empire," not Austria; that it was an integral portion of the Austrian Empire, which was composed of Austria and Hungary.

Secretary LANSING. "Austro-Hungarian" is the title.

Senator FALL. Then I hope the record may be corrected so that where I said the "Austrian Empire" it will appear that it should have been the "Austro-Hungarian Empire," of which Hungary was an integral portion.

The CHAIRMAN. It is understood that that correction will be made.

Senator FALL. Mr. Secretary, there is a provision here for a future treaty with Czechoslovakia with the principal allied and associated powers—that is, the five great powers—is there not?

Secretary LANSING. Yes.

Senator FALL. Although it is placed in the German treaty here, it is a treaty to be made with Czechoslovakia. They are to enter into a treaty with the principal allied and associated powers, by which they are to agree to guarantee racial and religious protection within their boundaries whenever they have any boundaries. That is correct, is it not?

Secretary LANSING. Yes.

Senator FALL. Sometime within two years?

Secretary LANSING. Yes.

Senator FALL. There is a similar provision with reference to a treaty with Poland?

Secretary LANSING. We have that.

Senator FALL. We have that and it is before this body now.

The CHAIRMAN. It has never been sent in. I have had printed in the record an English copy of it.

Senator FALL. I was assuming that it had been brought in before us as officially as any of the others.

The CHAIRMAN. It was laid before the House of Commons and the Chamber of Deputies, but it has never been laid before us officially.

Senator FALL. Very well. You say you have not had your attention called to it; but suppose it is true, as announced, that Roumania has declined to enter into any proposed treaty to guarantee racial or religious minorities. Would that have any effect upon the treaty for the same purpose mentioned in the treaty that is pending before us?

Secretary LANSING. I do not think so.

Senator FALL. You think not?

Secretary LANSING. I think not.

Senator FALL. Suppose that Roumania declined to enter the league of nations. Would that have any effect upon the league at all?

Secretary LANSING. She has already signed this treaty.

Senator FALL. She has already broken it, has she not?

Secretary LANSING. No.

Senator FALL. If she signed it, and she is continuing at war, continuing to fight the commands of the high commissioners who are there now, and if she has invaded Hungary and has committed acts of war on various portions of the earth's surface, do you say there is no violation of any treaty agreements?

Secretary LANSING. No; because it has not been ratified.

Senator FALL. Is it not a fact that as between governments themselves a treaty becomes operative when it is signed or negotiated?

Secretary LANSING. No, sir.

Senator FALL. It is not?

Secretary LANSING. No, sir.

Senator FALL. Has not our Supreme Court so held?

Secretary LANSING. No, sir.

Senator FALL. Do you remember the Swiss case, decided by the Supreme Court of the United States several years ago, in which a treaty between Switzerland and the United States was negotiated and signed, but not ratified for something like 10 years? A question came up involving private property rights, and the Supreme Court of the United States held that as between Governments the treaty was in force from the date of the negotiations, but that as to citizens it was not in effect and would not take effect until it was ratified.

Secretary LANSING. I have no such recollection.

Senator FALL. Well, sir, I will take pleasure in furnishing you with that decision, as well as with some other opinions upon the same subject.

Secretary LANSING. Thank you very much.

The CHAIRMAN. Are there any further questions to be asked of the Secretary?

Senator MOSES. Has the State Department received any recent information from the legation at Brussels with reference to the proceedings in the Belgian Parliament in connection with the treaty?

Secretary LANSING. I have heard nothing except what I have seen in the papers. We have had no reports on it at all.

Senator MOSES. The legation has not reported?

Secretary LANSING. No.

The CHAIRMAN. Are there any further questions to be asked of the Secretary? Some members of the committee would like to ask some questions of Mr. David Hunter Miller, who is in the State Department, and we should be glad to have him here to-morrow at half past 10.

Secretary LANSING. Very well, sir. There is one other thing I want to make entirely clear, that I fulfill my promises. I was asked to produce the resolution that I suggested to be introduced in regard to the league of nations. It is very brief, and with your permission I will read it.

The CHAIRMAN. Certainly, we should be very glad to have you read it into the record.

Secretary LANSING. It was under date of January 22, 1919, and is as follows:

PROPOSED RESOLUTION TO BE LAID BEFORE THE CONFERENCE ON THE PRELIMINARIES OF PEACE.

Resolved, That the conference make the following declarations:

That the preservations of international peace is the standing policy of civilization and to that end a league of nations should be organized to prevent international wars;

That it is a fundamental principle of peace that all nations are equally entitled to the undisturbed possession of their respective territories, to the full exercise of their respective sovereignties, and to the use of the high seas as the common property of all peoples; and

That it is the duty of all nations to engage by mutual covenant—

(1) To safeguard from invasion the sovereign rights of one another;

(2) To submit to arbitration all justiciable disputes which fail of settlement by diplomatic arrangement;

(3) To submit to investigation by the league of nations all nonjusticiable disputes which fail of settlement by diplomatic arrangement;

(4) To abide by an award of an arbitral tribunal and to respect a report of the league of nations after investigation.

That the nations should agree upon—

(1) A plan for general reduction of armaments on land and sea;

(2) A plan for the restriction of enforced military service and the governmental regulation and control of the manufacture and sale of munitions of war;

(3) Full publicity of all treaties and international agreements;

(4) The equal application to all other nations of commercial and trade regulations and restrictions imposed by any nation;

(5) The proper regulation and control of new states pending complete independence and sovereignty.

JANUARY 22, 1919.

Senator WILLIAMS. That was your suggestion to the American delegates, to be suggested by them to the conference?

Secretary LANSING. Yes.

The CHAIRMAN. I will say that I have here, just received from the President, a printed copy of the American draft, and also a printed copy of the first covenant reported, which has, of course, been widely printed in this country.

Senator WILLIAMS. Suppose you print it in this hearing.

Senator LODGE. I am going to have it printed separately as a document.

Senator WILLIAMS. I suggest that you also put it into this record.

Senator LODGE. I can see no objection to that.

Senator MOSES. Mr. Secretary, with reference to that resolution which you read, everything which you have to say further about it is contained on page 144 of your testimony, in which you say that it was laid before the commission. Senator Brandegee asked you what

was done with that by our commission, to which you replied that you did not know. Senator Brandegee said, "It was not favorably considered, was it? Of course it was not adopted." And you replied, "No; there was no action taken."

The CHAIRMAN. Are there any further questions?

Secretary LANSING. I was also asked to submit the report of the Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties, which contained the reservations——

The CHAIRMAN. Those are the sections relating to the Kaiser?

Secretary LANSING. Yes; the trial of the Kaiser. I do not know whether you want that inserted in the record.

Senator MOSES. I think it should be.

The CHAIRMAN. It may be inserted as a part of the Secretary's testimony.

Senator MCCUMBER. Your view on that subject is in the document?

Secretary LANSING. Is in the signed memorandum that is annexed to the report.

(The document referred to is printed following to-day's hearing.)

Senator FALL. Is there a statement in this memorandum as to whether the trial of the Kaiser will be judicial in its nature or not?

Secretary LANSING. You will have to determine that from the terms of the treaty. I do not undertsand that it is of a judicial nature at all, but it is rather a tribunal that is established as a political instrument.

Senator FALL. Mr. Clemenceau so stated in his answer to Brockdorff-Rantzau, did he not?

Secretary LANSING. I do not recall.

Senator FALL. Mr. Clemenceau stated in his answer to Brockdorff-Rantzau that the trial would not be judicial in its nature, while it would follow judicial forms.

Senator WILLIAMS. Yes; as I understand it, it is a political case, but that in investigating it they will pursue judicial methods.

Secretary LANSING. That is correct.

The CHAIRMAN. Is there anything else you care to have printed? We will be very glad to put it in the record if there is anything.

Secretary LANSING. I think there is nothing to add.

The CHAIRMAN. I understand Mr. Miller had something to do with the drafting of the league of nations provision, and we will be very glad to have him here to-morrow morning at 10.30. If there are no further questions, we will excuse the Secretary of State.

(Whereupon, at 12.35 p. m., the committee adjourned until Tuesday, August 12, 1919, at 10.30 a. m.)

(The documents referred to in the hearing, to be printed in connection with it, are as follows:)

TO THE SENATE:

I have received the resolutions of the Senate dated July 15 and July 17 asking:

First. For a copy of any treaty purporting to have been projected between Germany and Japan, such as was referred to in the press dispatch inclosed, together with any information in regard to it which may be in possession of the State Department, or any information concerning any negotiations between Japan and Germany during the progress of the war. In reply to this resolution I have the honor to report that I know of no such negotiations. I had heard the rumors that are referred to, but was never able to satisfy myself that there was any substantial foundation for them.

Second. Requesting a copy of any letter or written protest by the members of the American Peace Commission, or any officials attached thereto, against the disposition

or adjustment which was made in reference to Shantung, and particularly a copy of a letter written by Gen. Tasker H. Bliss, member of the peace commission, on behalf of himself, Hon Robert Lansing, Secretary of State, and Hon. Henry White, members of the peace commission, protesting against the provisions of the treaty with reference to Shantung. In reply to this request let me say that Gen. Bliss did write me a letter in which he took very strong grounds against the proposed Shantung settlement, and that his objections were concurred in by the Secretary of State and Mr. Henry White. But the letter can not properly be described as a protest against the final Shantung decision, because it was written before that decision had been arrived at and in response to my request that my colleagues on the commission apprise me of their judgment in the matter. The final decision was very materially qualified by the policy which Japan undertook to pursue with regard to the return of the Shantung Peninsula in full sovereignty to China.

I would have no hesitation in sending the Senate a copy of Gen. Bliss's letter were it not for the fact that it contains references to other Governments which it was perfectly proper for Gen. Bliss to make in a confidential communication to me, but which, I am sure, Gen. Bliss would not wish to have repeated outside our personal and intimate exchange of views.

I have received no written protest from any officials connected with or attached to the American Peace Commission with regard to this matter.

I am also asked to send you any memorandum or other information with reference to an attempt of Japan or her peace delegates to intimidate the Chinese peace delegates. I am happy to say that I have no such memorandum or information.

WOODROW WILSON.

THE WHITE HOUSE,
August 8, 1919.

THE WHITE HOUSE,
Washington, 8 August, 1919.

MY DEAR MR. CHAIRMAN: I have at last been able to go personally over the great mass of papers which remained in my hands at the close of my stay in Paris, and am disappointed to find that it is in no respect a complete file, the complete files remaining with the American commission.

You ask for all drafts or forms presented to or considered by the peace commissioners relating to the league of nations, and particularly the draft or form prepared or presented by the commissioners of the United States. There are no formal drafts in my possession, except that presented by the American commissioners, and this I take pleasure in enclosing, along with the formal report of the commission on the league of nations.

You also ask for all proceedings, arguments, and debates, including a transcript of the stenographic reports of the peace commission relating to or concerning a league of nations or the league of nations finally adopted, and all data bearing upon or used in connection with the treaty of peace with Germany now pending. No stenographic reports were taken of the debates on the league of nations, and such memoranda as were taken it was agreed should be confidential. The reason for regarding as confidential intimate exchanges of opinion with regard to many delicate matters will, of course, occur to you, and I beg to say that I am following the example of the representatives of the other Governments in making this explanation.

The various data bearing upon or used in connection with the treaty of peace with Germany are so miscellaneous and enormous in mass that it would be impossible for me so supply them without bringing from Paris the whole file of papers of the commission itself, and would include many memoranda which, it was agreed on grounds of public policy, it would be unwise to make use of outside the conference.

Very sincerely, yours,

WOODROW WILSON.

Hon. HENRY CABOT LODGE,
Chairman Committee on Foreign Affairs, United States Senate.

AMERICAN DRAFT OF COVENANT OF LEAGUE OF NATIONS.

COVENANT.

PREAMBLE.

In order to secure international peace and security by the acceptance of obligations not to resort to the use of armed force, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

ARTICLE I.

The action of the Contracting Powers under the terms of this Covenant shall be effected through the instrumentality of a Body of Delegates which shall consist of the diplomatic representatives of the Contracting Powers accredited to X. and the Minister of Foreign Affairs of X. The meetings of the Body of Delegates shall be held at the seat of government of X. and the Minister for Foreign Affairs of X. shall be the presiding officer.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of Y. or of Z., in which case the diplomatic representative to X. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

It shall be the privilege of any of the Contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to be represented at any time by a special representative.

ARTICLE II.

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the field of action of the League of Nations as defined in this Covenant, or any matter likely to affect the peace of the world; but all actions of the Body of Delegates taken in the exercise of the functions and powers granted to them under this Covenant shall be formulated and agreed upon by an

Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers, together with representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the Great Powers and the others of the representatives of the minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the Great Powers; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the Body of Delegates or by the Executive Council, except those adopted in execution of any specific powers herein granted, shall have the effect of recommendations to the several governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees, chosen from the Body of Delegates or consisting of other specially qualified persons, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes. The Executive Council shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the Contracting Powers and with any governments or agencies which may be acting as mandataries of the League in any part of the world.

ARTICLE III.

The Contracting Powers undertake to respect and to protect as against external aggression the political independence and territorial integrity of all States members of the League.

ARTICLE IV.

The Contracting Powers recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council shall formulate plans for effecting such reduction. It shall also require into the feasibility of abolishing compulsory military service and the substitution therefor of forces enrolled upon a voluntary basis and into the military and naval equipment which it is reasonable to maintain.

The Executive Council shall also determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

ARTICLE V.

The Contracting Powers agree that should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until there has been an award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the recommendation of the Executive Council.

The Contracting Powers agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject-matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to arbitrators, one of whom shall be selected by each of the parties to the dispute from outside their own nationals, when there are but two such parties, and a third by the two thus selected. When there there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding vote to the arbitrators thus added in case of a division among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Executive Council.

On the appeal of a party to the dispute the decision of said arbitrators may be set aside by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside, the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and give notice to the parties, and shall make the necessary arrangements for a full hearing, investigation and consideration. The Council shall

ascertain and as soon as possible make public all the facts involved in the dispute and shall make such recommendation as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The recommendation of the Executive Council shall be addressed to the disputants. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by any of the disputants.

The Executive Council may in any case refer the consideration of a dispute to the Body of Delegates. The consideration of the dispute shall be so referred at the request of either party to the dispute. In any case referred to the Body of Delegates all the provisions of this Article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

ARTICLE VI.

Should any Contracting Power be found by the League to have broken or disregarded its covenants under Article V, it shall thereby *ipso facto* be deemed to have committed an act of war against all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such a case to recommend what effective military or naval force the members of the League shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State shall, after the restcration of peace, be subject to the regulations with regard to a peace establishment provided for new States under the terms supplementary Article IV.

ARTICLE VII.

If any Contracting Power shall be found by the League to have declared war or to have begun hostilities or to have taken any hostile step short of war, against another Contracting Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or to have declared war or to have begun hostilities or to have taken any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators the Contracting Powers hereby engage not only to cease

all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers of that Power to commerce or intercourse with any part of the world and to use any force which may be agreed upon to accomplish that object.

ARTICLE VIII.

Any war or threat or war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern of the League and to all the Contracting Powers, and the Contracting Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the Contracting Powers to draw the attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The Body of Delegates and the Executive Council shall meet in the interest of peace whenever war is rumored or threatened, and also whenever the representative of any Power shall inform the Body of Delegates that a meeting and conference in the interest of peace is advisable.

The Body of Delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

ARTICLE IX.

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power shall bring the matter to the attention of the Executive Council. The Executive Council shall in such a case, in the name of the League, invite the Power not a party to this Covenant to become *ad hoc* a party, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or to consideration shall be in all respects applicable to the dispute both in favor of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Executive Council to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

ARTICLE X.

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Powers engage thereupon to cease all commerce and communication with that Power and also to unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of

the world, and to employ jointly any force which may be agreed upon to accomplish that object. The Contracting Powers also undertake to unite in coming to the assistance of the Contracting Power against which hostile action has been taken, and to combine their armed forces in its behalf.

ARTICLE XI.

In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter to the attention of the body of Delegates or the Executive Council, who shall thereupon tender the good offices of the League with a view to the peaceable settlement of the dispute.

If one of the states, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the League, that state shall *ad hoc* be deemed a Contracting Power. If no one of the states, parties to the dispute, shall so offer and agree, the Body of Delegates shall through the Executive Council or of its own motion take such action and make such recommendation to the governments as will prevent hostilities and result in the settlement of the dispute.

ARTICLE XII.

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Body of Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they shall act favorably on the application, and their favorable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Body of Delegates.

ARTICLE XIII.

The Contracting Powers severally agree that the present Covenant is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

SUPPLEMENTARY AGREEMENTS.

I.

To the colonies formerly part of the German Empire, and to those territories formerly belonging to Turkey which include Armenia, Kurdestan, Syria, Mesopotamia, Palestine and Arabia, which are inhabited by peoples not able to stand by themselves under the

strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandataries on behalf of the League.

The character of the mandate must differ according to the stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

II.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatary must be responsible for the administration of the territory subject to conditions which will guarantee the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-west Africa and certain of the Islands in the South Pacific, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatary state as if integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

III.

In every case of mandate, the mandatary state shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the Executive Council in a special Act or Charter which shall reserve to the League complete power of supervision, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League for the redress or correction of any breach of the mandate by the mandatory State or agency of for the substitution of some other State or agency, as mandatory.

The object of all such tutelary oversight and administration on the part of the League of Nations shall be to build up in as short a time as possible out of the people or territory under its guardianship a political unit which can take charge of its own affairs, determine its own connections, and choose its own policies. The League may at any time release such people or territory from tutelage and consent to its being set up as an independent unit. It shall also be the right and privilege of any people or territory to petition the League to take such action, and upon such petition being made it shall be the duty of the League to take the petition under full and friendly consideration with a view of determining the best interests of the people or territory in question in view of all circumstances of their situation and development.

IV.

No new State shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armament shall conform to standards prescribed by the League in respect of it from time to time.

V.

The Contracting Powers will work to establish and maintain fair hours and humane conditions of labor for all those within their several jurisdictions and they will exert their influence in favor of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Also they will appoint Commissions to study conditions of industry and labor in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions.

VI.

The League shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States and the Executive Council shall exact of all States seeking admission to the League, the promise to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

VII.

Recognizing religious persecution and intolerance as fertile sources of war, the Contracting Powers agree, and the League shall exact from all new States and all States seeking admission to it the promise that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

VIII.

When the rights of belligerents on the high seas outside territorial waters shall have been defined by international convention, it is hereby agreed and declared as a fundamental Covenant that no Power or combination of Powers shall have a right to overstep in any particular the clear meaning of the definitions thus established; but that it shall be the right of the League from time to time and on special occasions to close the seas in whole or in part against a particular Power or Powers for the purpose of enforcing the international Covenants here entered into.

IX.

It is hereby covenanted and agreed by the Contracting Powers that no treaty entered into by them shall be regarded as valid, binding, or operative until it shall have been published and made known to all the other States members of the League.

X.

It is further covenanted and agreed by the Contracting Powers that in their fiscal and economic regulations and policy no discrimination shall be made between one nation and another among those with which they have commercial and financial dealings.

REPORT OF THE COMMISSION ON THE LEAGUE OF NATIONS.

Preliminary Peace Conference.

1. Terms of Reference.

The Preliminary Peace Conference at the plenary session of the 25th January, 1919 (Protocol No. 2) decided to nominate a Commission to work out in detail the Constitution and functions of a League of Nations.

The terms of reference of this Commission were as follows:

"The Conference, having considered the proposals for the creation of a League of Nations, resolved that—

"1. It is essential to the maintenance of the world settlement, which the Associated Nations are now met to establish, that a League of Nations be created to promote international co-operation, to ensure the fulfilment of accepted international obligations and to provide safeguards against war.

"2. This League should be treated as an integral part of the general Treaty of Peace, and should be open to every civilised nation which can be relied on to promote its objects.

"3. The members of the League should periodically meet in international conference, and should have a permanent organization and secretariat to carry on the business of the League in the intervals between the conferences.

"The Conference therefore appoints a Committee representative of the Associated Governments to work out the details of the constitution and functions of the League."

This Commission was to be composed of fifteen members, i. e. two members representing each of the Great Powers (*United States of America, British Empire, France, Italy and Japan*), and five members to represent all the Powers with special interests. At a meeting of these latter Powers on the 27th January, 1919, Belgium, Brazil, China, Portugal and Serbia were chosen to designate one representative each. (See Annex 6 of Protocol No. 2.)

2. Constitution of the Commission.

The Commission was therefore originally composed as follows:

For the United States of America:
The President of the United States of America.
Honorable Edward M. House.

For the British Empire:
The Rt. Hon. the Lord Robert Cecil, K.C., M.P.
Lieutenant-General the Rt. Hon. J. C. Smuts, K.C., Minister of Defence of the Union of South Africa.

For France:
Mr. Leon Bourgeois, former President of the Council of Ministers and Minister for Foreign Affairs.
Mr. Larnaude, Dean of the Faculty of Law of Paris.
For Italy:
Mr. Orlando, President of the Council.
Mr. Scialoja, Senator of the Kingdom.
For Japan:
Baron Makino, former Minister for Foreign Affairs, Member of the Diplomatic Council.
Viscount Chinda, Ambassador Extraordinary and Minister Plenipotentiary of H.I.M. the Emperor of Japan at London.
For Belgium:
Mr. Hymans, Minister for Foreign Affairs and Minister of State.
For Brazil:
Mr. Epitacio Pessoa, Senator, former Minister of Justice.
For China:
Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary of China at Washington.
For Portugal:
Mr. Jayme Batalha-Reis, Envoy Extraordinary and Minister Plenipotentiary of Portugal at Petrograd.
For Serbia:
Mr. Vesnitch, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Serbia at Paris.

A request of four other Powers—Greece, Poland, Roumania and the Czecho-Slovak Republic—to be represented on the Commission was referred by the Conference to the Commission for consideration. Upon the recommendation of the Commission the four following members took their seats on February 6th:
For Greece:
Mr. Eleftherios Veniselos, President of the Council of Ministers.
For Poland:
Mr. Roman Dmowski, President of the Polish National Committee.
For Roumania:
Mr. Diamandy, Roumanian Minister Plenipotentiary.
For the Czecho-Slovak Republic:
Mr. Charles Kramar, President of the Council of Ministers.

3. First Report of the Commission.

Between the date of its appointment and the 14th February, the Commission met ten times. As a result of these meetings the following draft Covenant of the League of Nations was adopted, and read as a preliminary report by the Chairman at a plenary session of the Conference on the latter date. (Protocol No. 3):

Preamble.

In order to promote international co-operation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

ARTICLE I.

The action of the High Contracting Parties under the terms of this Covenant shall be effected through the instrumentality of meetings of a Body of Delegates representing the High Contracting Parties, of meetings at more frequent intervals of an Executive Council, and of a permanent international Secretariat to be established at the Seat of the League.

ARTICLE II.

Meetings of the Body of Delegates shall be held at stated intervals and from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League. Meetings of the Body of Delegates shall be held at the Seat of the League or at such other place as may be found convenient and shall consist of representatives of the High Contracting Parties. Each of the High Contracting Parties shall have one vote but may have not more than three representatives.

ARTICLE III.

The Executive Council shall consist of representatives of the United States of America, the British Empire, France, Italy and Japan, together with representatives of four other States, members of the League. The selection of these four States shall be made by the Body of Delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representatives of shall be members of the Executive Council.

Meetings of the Council shall be held from time to time as occasion may require and at least once a year at whatever place may be decided on, or failing any such decision, at the Seat of the League, and any matter within the sphere of action of the League or affecting the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any Power to attend a meeting of the Council at which matters directly affecting its interests are to be discussed and no decision taken at any meeting will be binding on such Power unless so invited.

ARTICLE IV.

All matters of procedure at meetings of the Body of Delegates or the Executive Council including the appointment of Committees to investigate particular matters shall be regulated by the Body of Delegates or the Executive Council and may be decided by a majority of the States represented at the meeting.

The first meeting of the Body of Delegates and of the Executive Council shall be summoned by the President of the United States of America.

ARTICLE V.

The permanent Secretariat of the League shall be established at which shall constitute the Seat of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Secretary-General of the League, who shall be chosen by the Executive Council; the Secretariat shall be appointed by the Secretary-General subject to confirmation by the Executive Council.

The Secretary-General shall act in that capacity at all meetings of the Body of Delegates or of the Executive Council.

The expenses of the Secretariat shall be borne by the States members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE VI.

Representatives of the High Contracting Parties and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials or by representatives attending its meetings shall enjoy the benefits of extraterritoriality.

ARTICLE VII.

Admission to the League of States not signatories to the Covenant and not named in the Protocol hereto as States to be invited to adhere to the Covenant requires the assent of not less than two-thirds of the States represented in the Body of Delegates

and shall be limited to fully self-governing countries including Dominions and Colonies.

No State shall be admitted to the League unless it is able to give effective guarantees of its sincere intention to observe its international obligations, and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments.

ARTICLE VIII.

The High Contracting Parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State; and the Executive Council shall formulate plans for effecting such reduction. The Executive Council shall also determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Executive Council.

The High Contracting Parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the Executive Council to advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those countries which are not able to manufacture for themselves the munitions and implements of war necessary for their safety.

The High Contracting Parties undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to war-like purposes or the scale of their armaments, and agree that there shall be full and frank interchange of information as to their military and naval programmes.

ARTICLE IX.

A permanent Commission shall be constituted to advise the League on the execution of the provisions of Article VIII and on military and naval questions generally.

ARTICLE X.

The High Contracting Parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Executive Council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE XI.

Any war or threat of war, whether immediately affecting any of the High Contracting Parties or not, is hereby declared a matter of concern to the League, and the High Contracting Parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the High Contracting Parties to draw the attention of the Body of Delegates or of the Executive Council to any circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE XII.

The High Contracting Parties agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to war without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to war as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

In any case under this Article, the award of the arbitrators shall be made within a reasonable time, and the recommendation of the Executive Council shall be made within six months after the submission of the dispute.

ARTICLE XIII.

The High Contracting Parties agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration. For this purpose the Court of arbitration to which the case is referred shall be the court agreed on by the parties or stipulated in any Convention existing between them. The High Contracting Parties agree that they will carry out in full good faith any award that may be rendered. In the event of any failure to carry out the award, the Executive Council shall propose what steps can best be taken to give effect thereto.

ARTICLE XIV.

The Executive Council shall formulate plans for the establishment of a Permanent Court of International Justice and this Court shall, when established, be competent to hear and determine any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing Article.

ARTICLE XV.

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the High Contracting Parties agree that they will refer the matter to the Executive Council; either party to the dispute may give notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Executive Council may forthwith direct the publication thereof.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanation as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendation which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the High Contracting Parties agree that they will not go to war with any party which complies with the recommendation and that, if any party shall refuse so to comply, the Council shall propose the measures necessary to give effect to the recommendation. If no such unanimous report can be made, it shall be the duty of the majority and the privilege of the minority to issue statements indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this Article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission of the dispute. In any case referred to the Body of Delegates all the provisions of this Article and of Article XII relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

ARTICLE XVI.

Should any of the High Contracting Parties break or disregard its covenants under Article XII, it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The High Contracting Parties agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the High Contracting Parties who are co-operating to protect the covenants of the League.

ARTICLE XVII.

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the High Contracting Parties agree that the State or States not members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given, the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a Power so invited refusing to accept the obligations of membership in the League for the purposes of such dispute, and taking any action against a State member of the League which in the case of a State member of the League would constitute a breach of Article XII, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

ARTICLE XVIII.

The High Contracting Parties agree that the League shall be entrusted with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

ARTICLE XIX.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandataries on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatary must be responsible for the administration of the territory subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as Southwest Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory state as integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory state shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State shall if not previously agreed upon by the High Contracting Parties in each case be explicitly defined by the Executive Council in a special Act or Charter.

The High Contracting Parties further agree to establish at the seat of the League a Mandatory Commission to receive and examine the annual reports of the Mandatory Powers, and to assist the League in ensuring the observance of the terms of all Mandates.

ARTICLE XX.

The High Contracting Parties will endeavor to secure and maintain fair and humane conditions of labor for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend; and to that end agree to establish as part of the organization of the League a permanent Bureau of Labor.

ARTICLE XXI.

The High Contracting Parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914–1918.

ARTICLE XXII.

The High Contracting Parties agree to place under the control of the League all international bureaux already established by general treaties if the parties to such treaties consent. Furthermore, they agree that all such international bureaux to be constituted in future shall be placed under the control of the League.

ARTICLE XXIII.

The High Contracting Parties agree that every treaty or international engagement entered into hereafter by any State member of the League, shall be forthwith registered with the Secretary-General and as soon as possible published by him, and that no such treaty or international engagement shall be binding until so registered.

ARTICLE XXIV.

It shall be the right of the Body of Delegates from time to time to advise the reconsideration by States members of the League, of treaties which have become inapplicable, and of international conditions, of which the continuance may endanger the peace of the world.

ARTICLE XXV.

The High Contracting Parties severally agree that the present Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

ARTICLE XXVI.

Amendments to this Covenant will take effect when ratified by the States whose representatives compose the Executive Council and by three-fourths of the States whose representatives compose the Body of Delegates.

4. SUBSEQUENT MEETINGS OF THE COMMISSION.

The draft Covenant of the 14th February was made public in order that discussion of its terms might be provoked. A great deal of constructive criticism followed upon its publication. Further suggestions resulted from hearings of representatives of thirteen neutral

states before a Committee of the Commission on the 20 and 21st March.

These various recommendations were taken under advisement by the Commission which held meetings on the 22nd, 24th and 26th March and on the 10th and 11th April. At the meeting of the 10th April a delegation representing the International Council of Women and the Suffragist Conference of the Allied countries and the United States were received by the Commission.

5. Final Report of the Commission.

At the meetings of the 10th and 11th April the Commission agreed definitely on the following text of the Covenant to be presented to the Conference:

COVENANT OF THE LEAGUE OF NATIONS.

In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the High Contracting Parties agree to this Covenant of the League of Nations.

Article I.

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex, may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military and naval forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

Article II.

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

Article III.

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League, or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

Article IV.

The Council shall consist of Representatives of the United States of America, of the British Empire, of France, of Italy, and of Japan, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

ARTICLE V.

Except where otherwise expressly provided in this Covenant, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

ARTICLE VI.

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and the staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE VII.

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

ARTICLE VIII.

The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall

advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military and naval programmes and the condition of such of their industries as are adaptable to war-like purposes.

ARTICLE IX.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles I and VIII and on military and naval questions generally.

ARTICLE X.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE XI.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE XII.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARTICLE XIII.

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

ARTICLE XIV.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

ARTICLE XV.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such actions as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly all the provisions of this Article and of Article XII relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE XVI.

Should any Member of the League resort to war in disregard of its covenants under Articles XII, XIII or XV, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military or naval force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

ARTICLE XVII.

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles XII to XVI inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

ARTICLE XVIII.

Every treaty or international engagement entered into hereafter by any Member of the League, shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

ARTICLE XIX.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

ARTICLE XX.

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

ARTICLE XXI.

Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace.

ARTICLE XXII.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandataries on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provi-

sionally recognized subject to the rendering of administrative advice and assistance by a Mandatary until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatary.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatary must be responsible for the administrationof the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-west Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatary, and other circumstances, can be best administered under the laws of the Mandatary as integral portions of its territory, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatary shall render to the Council an annual report in reference to the territory committed to its chargé.

The degree of authority, control, or administration to he exercised by the Mandatary shall if not previously agreed upon by the Members of the League be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandataries and to advise the Council on all matters relating to the observance of the mandates.

ARTICLE XXIII.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League

(a) will endeavor to secure and maintain fair and humane conditions of labor for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations;

(b) undertake to secure just treatment of the native inhabitants of territories under their control;

(c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

(d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;

(f) will endeavor to take steps in matters of international concern for the prevention and control of disease.

ARTICLE XXIV.

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

ARTICLE XXV.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

ARTICLE XXVI.

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

ANNEX TO THE COVENANT.

1. Original Members of the League of Nations.

SIGNATORIES OF THE TREATY OF PEACE.

United States of America.
Belgium.
Bolivia.
Brazil.
British Empire.
Canada.
Australia.
South Africa.
New Zealand.
India.
China.
Cuba.
Czecho-Slovakia.
Ecuador.
France.
Greece.
Guatemala.
Haiti.
Hedjaz.
Honduras.
Italy.
Japan.
Liberia.
Nicaragua.
Panama.
Peru.
Poland.
Portugal.
Roumania.
Serbia.
Siam.
Uruguay.

STATES INVITED TO ACCEDE TO THE COVENANT.

Argentine Republic.
Chili.
Colombia.
Denmark.
Netherlands.
Norway.
Paraguay.
Persia.
Salvador.
Spain.
Sweden.
Switzerland.
Venezuela.

2. First Secretary General of the League of Nations.

6. RECOMMENDATION OF THE COMMISSION.

At the last meeting of the Commission, the following resolution was adopted:

Resolved, that in the opinion of the Commission, the President of the Commission should be requested by the Conference to invite seven Powers, including two neutrals, to name representatives on a Committee

A. to prepare plans for the organization of the League,

B. to prepare plans for the establishment of the Seat of the League,

C. to prepare plans and the Agenda for the first meeting of the Assembly.

This Committee shall report both to the Council and to the Assembly.

PRELIMINARY PEACE CONFERENCE.

PROTOCOL No. .2.

SESSION OF JANUARY 25, 1919.

AMERICAN COMMISSION TO NEGOTIATE PEACE.

[Preliminary peace conference, protocol No. 2, plenary session of January 25, 1919.]

The Session is opened at 15 o'clock (3 p. m.) under the presidency of Mr. Clemenceau, President.

Present:

FOR THE UNITED STATES OF AMERICA.

The President of the United States.
Honorable Robert Lansing.
Honorable Henry White.
Honorable Edward M. House.
General Tasker H. Bliss.

FOR THE BRITISH EMPIRE.

GREAT BRITAIN.

The Rt. Hon. D. Lloyd George.
The Rt. Hon. A. J. Balfour.
The Rt. Hon. G. N. Barnes.
The Hon. C. J. Doherty, Minister of Justice of Canada.
The Rt. Hon. Sir Joseph Ward, Bart., K. C. M. G., Minister of Finance and Posts of New Zealand.
The Rt. Hon. The Lord Robert Cecil, K. C., M. P., Technical Delegate for the League of Nations.

DOMINIONS AND INDIA.

CANADA

The Rt. Hon. Sir Robert Borden, G. C. M. G., K. C., Prime Minister.
The Rt. Hon. Sir George Eulas Foster.

AUSTRALIA

The Rt. Hon. W. M. Hughes.
The Rt. Hon. Sir Joseph Cook.

SOUTH AFRICA

General The Rt. Hon. Louis Botha.
Lieut.-General The Rt. Hon. J. C. Smuts.

NEW ZEALAND

The Rt. Hon. W. F. Massey, Prime Minister.

INDIA

The Rt. Hon. E. S. Montagu, M. P., Secretary of State for India.
Major-General His Highness The Maharaja of Bikanir.

FOR FRANCE

Mr. Clemenceau.
Mr. Pichon.
Mr. L. L. Klotz.
Mr. André Tardieu.
Mr. Jules Cambon.
Mr. Léon Bourgeois, Former President of the Council of Ministers, Former Minister of Foreign Affairs, Technical Delegate for the League of Nations.
Marshal Foch.

FOR ITALY.

Mr. V. E. Orlando, President of the Council of Ministers.
The Baron S. Sonnino.
The Marquis Salvago Raggi.
Mr. Antonio Salandra, Députy, former President of the Council of Ministers.
Mr. Salvatore Barzilai, C. B., Députy, former Minister.
Mr. Scialoja, Senator of the Kingdom, Technical Delegate for the League of Nations.

FOR JAPAN.

The Baron Makino, Former Minister of Foreign Affairs, Member of the Diplomatic Advisory Council.
The Viscount Chinda.
Mr. K. Matsui.
Mr. H. Ijuin, Ambassador Extraordinary and Plenipotentiary of His Majesty The Emperor of Japan at Rome.

FOR BELGIUM.

Mr. Hymans.
Mr. Van den Heuvel.
Mr. Vandervelde, Minister of Justice, Minister of State.

FOR BOLIVIA.

Mr. Ismael Montes.

FOR BRAZIL

Mr. Olyntho de Magalhaes.
Mr. Pandia Calogeras.

FOR CHINA

Mr. Lou Tseng Tsiang.
Mr. Chengting Thomas Wang.

FOR CUBA

Mr. Rafael Martinez Ortiz.

FOR ECUADOR

Mr. Dorn y de Alsua.

FOR GREECE

Mr. Eleftherios Veniselos, President of the Council of Ministers.
Mr. Nicolas Politis.

FOR PERU

FOR THE HEDJAZ

His Highness The Emir Feisal.
Mr. Rustem Haidar.
Mr. Francisco Garcia Calderon.

FOR POLAND

Mr. Roman Dmowski.

FOR PORTUGAL

The Count Penha Garcia, Former President of the Chamber of Deputies, Former Minister of Finance.
Mr. Jayme Batalha Reis, Envoy Extraordinary and Minister Plenipotentiary of Portugal at Petrograd.

FOR ROUMANIA

Mr. Jean J. C. Bratiano.
Mr. Nicolas Misu.

FOR SERBIA

Mr. Pashitch.
Mr. Trumbitch.
Mr. Vesnitch.

FOR SIAM

The Prince Charoon.
Phya Bibadh Kosha.

FOR THE CZECHO-SLOVAK REPUBLIC

Mr. Charles Kramar, President of the Council of Ministers.
Mr. Edouard Benes.

FOR URUGUAY

Mr. Juan Carlos Blanco.

The President informs the Conference that, at the request of the Delegation of the United States, the approval of the Protocol of the first Session is postponed to the next Session, as that Delegation has not yet received the English text of Protocol No. 1 which it reserves the right to present to the Conference.

The order of the day calls for the appointment of five Commissions charged with the duty of examining the following questions:—

1. League of Nations.
2. Responsibility of the authors of the War and enforcement of penalties.
3. Reparation for damage.
4. International Legislation on Labor.
5. International Control of Ports, Waterways and Railways.

The first Commission to be nominated concerns the League of Nations, upon which subject the Bureau presents a draft resolution (Anex I.) which has been distributed in English and French to all the members of the Conference.

The discussion is opened on the question of the League of Nations.

The President of the United States delivers the following speech:

"I consider it a distinguished privilege to open the discussion in this Conference on the League of Nations. We have assembled for two purposes—to make the present settlements which have been rendered necessary by this War, and also to secure the Peace of the world not only by the present settlements but by the arrangements we shall make in this Conference for its maintenance. The League of Nations seems to me to be necessary for both of these purposes. There are many complicated questions connected with the present settlements which, perhaps, cannot be successfully worked out to an ultimate issue by the decisions we shall arrive at here. I can easily conceive that many of these settlements will need subsequent re-consideration; that many of the decisions we shall make will need subsequent alteration in some degree, for if I may judge by my own study of some of these questions they are not susceptible of confident judgments at present.

"It is, therefore, necessary that we should set up some machinery by which the work of this Conference should be rendered complete. We have assembled here for the purpose of doing very much more than making the present settlement. We are assembled under very peculiar conditions of world opinion. I may say without straining the point that we are not representatives of Governments, but representatives of peoples. It will not suffice to satisfy Governmental circles anywhere. It is necessary that we should satisfy the opinion of mankind. The burdens of this War have fallen in an unusual degree upon the whole population of the countries involved. I do not need to draw for you the picture of how the burden has been thrown back from the front upon the older men, upon the women, upon the children, upon the homes of the civilized world, and how the real strain of the War has come where the eye of Government

could not reach, but where the heart of humanity beats. We are bidden by these people to make a peace which will make them secure. We are bidden by these people to see to it that this strain does not come upon them again, and I venture to say that it has been possible for them to bear this strain because they hope that those who represented them could get together after this war, and make such another sacrifice necessary.

"It is a solemn obligation on our part, therefore, to make permanent arrangements that justice shall be rendered and peace maintained. This is the central object of our meeting. Settlements may be temporary, but the actions of the nations in the interests of peace and justice must be permanent. We can set up permanent processes. We may not be able to set up permanent decisions, and therefore, it seems to me that we must take, so far as we can, a picture of the world into our minds. Is it not a startling circumstance for one thing that the great discoveries of science, that the quiet study of men in laboratories, that the thoughtful developments which have taken place in quiet lecture-rooms, have now been turned to the destruction of civilization? The powers of destruction have not so much multiplied as gained facility. The enemy whom we have just overcome had at its seats of learning some of the principal centres of scientific study and discovery, and used them in order to make destruction sudden and complete; and only the watchful, continuous co-operation of men can see to it that science, as well as armed men, is kept within the harness of civilization.

"In a sense, the United States is less interested in this subject than the other nations here assembled. With her great territory and her extensive sea borders, it is less likely that the United States should suffer from the attack of enemies than that many of the other nations here should suffer; and the ardor of the United States,—for it is a very deep and genuine ardor—for the Society of Nations is not an ardor springing out of fear and apprehension, but an ardor springing out of the ideals which have come to consciousness in the War. In coming into this war the United States never thought for a moment that she was intervening in the politics of Europe, or the politics of Asia, or the politics of any part of the world. Her thought was that all the world had now become conscious that there was a single cause which turned upon the issues of this war. That was the cause of justice and liberty for men of every kind and place. Therefore, the United States would feel that her part in this war had been played in vain if there ensued upon it merely a body of European settlements. She would feel that she could not take part in guaranteeing those European settlements unless that guarantee involved the continuous superintendence of the peace of the world by the Associated Nations of the World.

"Therefore, it seems to me that we must concert our best judgment in order to make this League of Nations a vital thing—not merely a formal thing, not an occasional thing, not a thing sometimes called into life to meet an exigency, but always functioning in watchful attendance upon the interests of the Nations, and that its continuity should be a vital continuity; that it should have functions that are continuing functions and that do not permit an intermission of its watchfulness and of its labor; that it should

be the eye of the Nation to keep watch upon the common interest, an eye that does not slumber, an eye that is everywhere watchful and attentive.

"And if we do not make it vital, what shall we do? We shall disappoint the expectations of the peoples. This is what their thought centres upon. I have had the very delightful experience of visiting several nations since I came to this side of the water, and every time the voice of the body of the people reached me through any representative, at the front of its plea stood the hope for the League of Nations. Gentlemen, select classes of mankind are no longer the governors of mankind. The fortunes of mankind are now in the hands of the plain peoples of the whole world. Satisfy them, and you have justified their confidence not only, but established peace. Fail to satisfy them, and no arrangement that you can make would either set up or steady the peace of the world.

"You can imagine, Gentlemen, I dare say, the sentiments and the purpose with which representatives of the United States support this great project for a League of Nations. We regard it as the keystone of the whole program which expressed our purpose and our ideal in this war and which the Associated Nations have accepted as the basis of the settlement. If we return to the United States without having made every effort in our power to realise this program, we should return to meet the merited scorn of our fellow-citizens. For they are a body that constitutes a great democracy. They expect their leaders to speak their thoughts and no private purpose of their own. They expect their representatives to be their servants. We have no choice but to obey their mandate. But it is with the greatest enthusiasm and pleasure that we accept that mandate; and because this is the keystone of the whole fabric, we have pledged our every purpose to it, as we have to every item of the fabric. We would not dare abate a single part of the program which constitutes our instructions. We would not dare compromise upon any matter as the champion of this thing—this peace of the world, this attitude of justice, this principle that we are masters of no people but are here to see that every people in the world shall choose its own master and govern its own destinies, not as we wish but as it wishes. We are here to see, in short that the very foundations of this war are swept away. Those foundations were the private choice of small coteries of civil rulers and military staffs. Those foundations were the aggression of great Powers upon small. Those foundations were the holding together of Empires of unwilling subjects by the duress of arms. Those foundations were the power of small bodies of men to work their will upon mankind and use them as pawns in a game. And nothing less than the emancipation of the world from these things will accomplish peace. You can see that the Representatives of the United States are, therefore, never put to the embarrassment of choosing a way of expediency, because they have laid down for them their unalterable lines of principle. And, thank God, those lines have been accepted as the lines of settlement by all the high-minded men who have had to do with the beginnings of this great business.

"I hope, Mr. Chairman, that when it is known, as I feel confident that it will be known, that we have adopted the principle of the League of Nations and mean to work out that principle in

effective action, we shall by that single thing have lifted a great part of the load of anxiety from the hearts of men everywhere. We stand in a peculiar case. As I go about the streets here I see everywhere the American uniform. Those men came into the War after we had uttered our purposes. They came as crusaders, not merely to win the war, but to win a cause; and I am responsible to them, for it fell to me to formulate the purposes for which I asked them to fight, and I, like them, must be a crusader for these things, whatever it costs and whatever it may be necessary to do, in honor, to accomplish the objects for which they fought. I have been glad to find from day to day that there is no question of our standing alone in this matter, for there are champions of this cause upon every hand. I am merely avowing this in order that you may understand why, perhaps, it fell to us, who are disengaged from the politics of this great Continent and of the Orient, to suggest that this was the keystone of the arch and why it occurs to the generous mind of our President to call upon me to open this debate. It is not because we alone represent this idea, but because it is our privilege to associate ourselves with you in representing it.

"I have only tried in what I have said to give you the fountains of the enthusiasm which is within us for this thing, for those fountains spring, it seems to me, from all the ancient wrongs and sympathies of mankind, and the very pulse of the world seems to beat."

Mr. Lloyd George (Great Britain) delivers the following speech:

"I arise to second this resolution. After the noble speech of the President of the United States I feel that no observations are needed in order to commend this resolution to the Conference, and I should not have intervened at all had it not been that I wished to state how emphatically the people of the British Empire are behind this proposal. And if the National leaders have not been able during the last five years to devote as much time as they would like to its advocacy, it is because their time and their energies have been absorbed in the exigencies of a terrible struggle.

"Had I the slightest doubt in my own mind as to the wisdom of this scheme it would have vanished before the irresistible appeal made to me by the spectacle I witnessed last Sunday. I visited a region which but a few years ago was one of the fairest in an exceptionally fair land. I found it a ruin and a desolation. I drove for hours through a country which did not appear like the habitation of living men and women and children, but like the excavation of a buried province—shattered, torn, rent. I went to one city where I witnessed a scene of devastation that no indemnity can ever repair—one of the beautiful things of the world, disfigured and defaced beyond repair. And one of the cruellest features, to my mind, was what I could see had happened,—that Frenchmen, who love their land almost beyond any nation, in order to establish the justice of their cause, had to assist a cruel enemy in demolishing their own homes, and I felt: these are the results—only part of the results. Had I been there months ago I would have witnessed something that I dare not describe. But I saw acres of graves of the fallen. And these were the results of the only method, the only organized method,—the only organized method that civilized nations have ever attempted or established to settle disputes amongst each

other. And my feeling was: surely it is time, surely it is time that a saner plan for settling disputes between peoples should be established than this organized savagery.

"I do not know whether this will succeed. But if we attempt it the attempt will be a success, and for that reason I second the proposal."

Mr. Orlando (Italy), having asked leave to speak, delivered the speech of which the following is a translation:

"Allow me to express my warmest adhesion to the great principle which we are called upon to proclaim to-day. I think that we are thus accomplishing the first and the most solemn of the pledges which we gave to our people when we asked them to make immense efforts in this immense war; pledges of which the counterpart was death, nameless sacrifices and boundless grief. We are, therefore fulfilling our duty in honoring this sacred pledge. That is much, but it is not all. We must bring to the task a spontaneous spirit and, if I may be allowed the mystic expression, purity of intention. It is not in any spirit of petty national vanity that I allow myself to recall the great juridical traditions of my people and its aptitude for law. I only do so the better to prove to you that the mind of the Italian people is well fitted to accept this principle spontaneously and wholly. Now, law is not only the defense of order, founded on justice, against all violence, it is also the necessary outward form, guaranteed by the State, of that essential principle which forms the very foundation of the existence of human society, that is to say, the principle of social co-operation. I think then that the formula proposed to us offers not only guarantees against war, but also that co-operation among nations which is the true essence of right.

"Mr. President, Gentlemen, today is a great moment, a great historical date, because it is only from today that the law of peoples begins and is born, and the fact that this birth has taken place in the generous and glorious land of France, which has proclaimed and won acceptance for the rights of man by its genius and its blood appears to me to be a happy omen. Quod bonum felix faustumque sit."

Mr. Léon Bourgeois (France) speaks in French in these terms:

"I am deeply grateful to the President of the French Council of Ministers for having done me the distinguished honor of entrusting to me the task of speaking in the name of France. Recollections of the Conference of the Hague have probably led him to this choice; the honor therefore belongs to the very numerous colleagues present here with whom I collaborated in 1899 and 1907.

"President Wilson has just eloquently and finally said that we do not, that you, Gentlemen, do not represent Governments alone, but peoples. What do the peoples wish today and what therefore, do the Governments wish who are really free, really representative, really democratic, that is to say, those whose wishes are necessarily in agreement with those of their peoples? They wish that what we have seen during these four horrible years shall never be repeated in this world. Their wishes are the wishes of all the victims of this war, of all those who have breathed their last for liberty and for right. Those men fought not only to defend their country, but came together from all parts of the world for this crusade of

which President Wilson so rightly spoke, and they knew that they died not only for France but for universal freedom and universal peace. For universal peace: the Premier of England has just described with striking eloquence the picture of ruin and desolation which he has seen. That ruin, that desolation we ourselves have witnessed and you have seen them very far from the spot where hostilities began. For in fact, henceforth, no local conflict can be confined to some one part of the world: whatever may be the State where the difficulty arose, believe me, it is the whole world that is in danger. There is such an interdependence in all the relations between nations in the economic, financial, moral and intellectual spheres that, I repeat, every wound inflicted at some point threatens to poison the whole organs.

"There is another reason why it is impossible that Humanity should again witness such spectacles. President Wilson has just alluded to the alarming progress of science, turned from its proper object, which is continually to give to mankind greater well-being, a surer moral, more hope for the future, and which was used for the most terrible and miserable of purposes, the purpose of destruction. Now science daily makes fresh progress and fresh conquest; daily it perfects its means of action and in the light of what we have seen during these last five years in the way of terrible and destructive improvements in machinery and gunnery, think of the fresh destruction with which we might be threatened in a few years.

"We have then the duty of facing a problem of conscience which thrills us all, that is what we are to do to reconcile the special interests of our peoples, which we cannot forget, with those of our common country, all Humanity.

"We must take counsel with ourselves and ponder that saying which I deem as a sublime truth, that among all the vital interests which we can consider, there is one which is above, and includes all others, one without the defence and protection of which all the others are in danger—the interest of the common country.

"Speaking of tragedy of conscience, I remember the scruples which, at the Conference of the Hague, held back the Representatives of even the freest peoples, the peoples most imbued with the sense of democracy and most resolved to prepare the way of peace. They said to themselves: 'We must nevertheless reserve questions of our honor and our vital interests.' Perhaps it was this which delayed the creation of that bond which will unite us from to-day. We know now that there is one vital interest which we have before all to consider and defend. That is the interest of universal peace founded on Right, without which none of the most vital interests of our several countries, great or small, would be free from menace and destruction.

"How can we succeed in making a reality of that which but a few years ago was still thought to be a dream? How is it that this dream now appears as an imminent fact in the mind of the statesmen present here, realists whose right and duty it is not to let themselves be carried away by ideals of generosity, however attractive they may be? Why is it that to-day these statesmen are sitting round this table inspired with a common thought? For doubtless you will presently adopt unanimously the proposals which will be made to you. How is it that these statesmen, these realists,

can come to consider as a tangible thing realisable in a short time, that which formerly appeared a dream? Looking back at the history of the last thirty years, particularly to that Conference at the Hague, for reverting to which I beg your pardon, we see that if it did not produce all the results expected from it, it nevertheless produced a certain number. Members of the different Governments will remember that the institutions set up by the Hague Conference thrice proved defective and that in differences—I will not use a stronger term—which might have disturbed the relation between the different States, the judgments of the Hague succeeded in smoothing away difficulties and re-establishing harmony. I may even recall that between France and Germany there was a conflict—the Affair of Casablanca—which might have been very serious and not for those two countries alone, for,—as I was saying, local conflicts sometimes become general,—where recourse to arbitration completely safeguarded the honor of France and made it possible for Germany not to draw the sword.

"Why is it that this could not last, or rather, why is it that the institutions of the Hague failed to prevent the terrible conflicts from which we are just emerging? There are two reasons and within the next few days you will sweep away one of them. The Conferences at the Hague were attended by the Representatives of many States, but even those who were inspired by real good will were forced to recognize that on the map of the world the frontiers of different countries were not what they should have been. While we were deliberating there, we Frenchmen could not forget that there was a part of France which was not free and you, Representatives of the Kingdom of Italy, could not forget that there were still Italian Provinces outside Italian law. How could you expect an international organization, however perfect, to prove really effective if, when it began to work, it met this terrible question of irredentism as our Italian friends call it, national claims, as we say, just as one's foot meets an obstacle on the road?

"You will bring about the situation in which the facts conform to the principles of Right. You will draw frontiers which correspond to the wishes of the peoples themselves, and you will give to each country the limits which Right itself would give it. You will also impose obligations which it was beyond our power to impose, for, as you will remember,—it was historically a very significant fact—how the different states grouped themselves, and we have now seen those who voted against us then join against us on the field of battle. The foes of Right were already leagued together against us.

"You who have fought for Right are about to set up an organization, to impose penalties and to insure their enforcement. Having established compulsory arbitration, having fixed—methodically, progressively and surely—the penalties to be imposed for disobedience to the common will of civilized nations you will be able to make your work solid and lasting and enter with confidence and tranquility the Temple of Peace.

"This is not the moment to discuss ways and means, but I hasten to say, in the name of the Government of the French Republic, that to do all that can be done to lead the free peoples as far as possible on the road to agreement must be our aim and wish. In addition

to juridicial methods designed to establish the reign of Right and to ensure the freedom of all, we shall certainly adopt—and here I turn toward the Italian Prime Minister who just said; 'It is co-operation in the work of peace'—all the measures required for co-operation between States in relation to those numberless interests the interdependence of which I mentioned just now. This interdependence becomes daily closer. It will not only be a question of checking nacent conflicts but of preventing their birth.

"I think that, even without any further statement, I have thus correctly interpreted the general feeling. It is enough for me to have shown with what deep enthusiasm France joins those who but lately proposed the creation of the League of Nations. President Wilson said that this question was at the very heart of mankind. That is true. He said we must constantly have an eye open on humanity, a watchful eye that never shuts. Well, I will end by recalling another memory of the Hague. It has been said that we heard there the first heart-beats of Humanity. Now it lives indeed. Thanks to you. May it live for ever?"

Mr. Hughes (Australia) having asked whether it will be possible to discuss the scheme when it is complete, the President replied that the members of the Conference would be quite at liberty to do so.

The President calls successively on the Delegates of various Powers who, speaking in French, supports the draft resolution in these terms:

Mr. Lou (China): In the name of the Chinese Government I have the honor to support whole-heartedly the proposed resolution. China, always faithful to her obligations and deeply interested in the maintenance of the Peace of the World, associates herself entirely with the lofty ideal embodied in the resolution, which is that of creating an international cooperation which would insure the accomplishment of obligations contracted and will give safeguards against war. I am glad to give an assurance to this Conference that the Chinese Republic will always have the keenest desire to consult with the other States in the establishment of a League which will give all nations, both small and great, an effective guarantee of their territorial integrity, of their political sovereignty, and of their economic independence founded upon an impartial justice.

Mr. Dmowski (Poland): I rise not only to support the draft resolution but to express deep gratitude for this noble initiative. I do so not only as representing a part of mankind which has suffered no less than those who have suffered most and which cherishes the hope that such sufferings will never be repeated and that what this war has not destroyed will be preserved for the peaceful generations of the future.

I do so also as representing a country placed in that part of the world where sources of danger to future peace are greater than elsewhere, where today after the conclusion of the armistice, war continues, as representing the country which at this moment is exposed on three sides to danger and is forced to make war on three fronts. If we have an institution like that which is proposed to-day, such as would give international guarantees of peace, we should not be in this dangerous situation.

I express my gratitude in the name of a country which, perhaps more than all others, needs international guarantees of peace and which will greet a League of Nations with the greatest enthusiasm.

Mr. Hymans (Belgium): Gentlemen, I have not asked leave to speak in order to discuss the ideas expressed in the draft resolution, which the Belgian Delegation of course accepts whole-heartedly, and which have been so nobly set forth in this Assembly. I have asked to speak only on a practical question which is, I think, of general interest.

The Conference to-day is organizing its methods of work and procedure. I should like to ask for an explanation of the last sentence of the draft resolution relative to the representation of the Powers on the Commission appointed to examine the draft constitution of the League of Nations. The draft says that the Conference appoints a Commission representing the Associated Governments to work out the constitution in detail and to settle the functions of the League.

The President replies to Mr. Hymans that the explanation which he is about to furnish will doubtless give him satisfaction.

As nobody asks leave to speak on the subject of a resolution of the League of Nations, which has been submitted to the Conference by the Bureau, that resolution is unanimously adopted.

The President then replies to the question raised by the Hon. Minister of Foreign Affairs of Belgium, on the method of appointment of the Commission charged with the duty of working out the draft constitution of the League of Nations:

The Great Powers, in accordance with the motion, have designated two delegates each to serve on the Commission. It has been decided that five delegates to be chosen in common by the other Powers should represent those Powers on the Commission. That is to say that you are asked to meet here, say, on January 27th, if that day suits you, at 2 or 3 o'clock, to come to an agreement among yourselves and appoint the 5 delegates of the other powers.

I ought to tell you that we shall ask you to agree to the same course as regards the appointment of other commissions. You will therefore have several elections to hold at the same time.

On this question of the appointment of the commission, the delegates of a certain number of Powers ask leave to speak and explain in turn the views of their respective countries: (All speak in French except Sir Robert Borden (Canada) and M. Phym Bibaoh Kosha (Siam).

Mr. Hymans (Belgium): The reply which the Hon. President has been so good as to make to me raises the question of the constitution of all the conditions which will be appointed to-day. That will allow me, I think, to define my views on the whole question, which I will do very quickly.

Excepting the case of the Commission appointed to examine the question of reparation for the damage of the war, the general system, according to the President, is to give two delegates to each of the great Powers, which allows them 10 delegates, and five delegates in all to a group or collection formed of 19 Powers who have been classed among the Powers ingeniously termed "Powers with special interests."

I do not wish to speak in the name of the Delegates of other countries, but I will speak only in that of my own and in that of the Belgian Delegation.

As an exceptional measure we, like Serbia, Greece, Poland and Roumania, have been given 2 delegates—2 to each of these Powers that on the Commission appointed to examine the question of reparation for the damage of the war. Apart from this Commission, the 19 Powers "With special interests" have to appoint in common by a system hitherto unexplained, which they will have to discover, 5 delegates. It is not stated whether this will be done by proportional representation or otherwise.

We Belgians will beg leave to present to the Conference the following request:

First, as regards the Commission to examine the constitution of the League of Nations and next, the Commission appointed to examine international legislation on labor. We should wish the Conference to be so good as to grant to Belgium 2 delegates on each of these 2 Commissions.

As regards the Commission for the establishment of the League of Nations, we think that we have a right to this on account of our international, political and even geographic position, which has exposed us, and may again expose us in the future to serious danger.

As regards the question of international labor legislation there is nothing that could interest us more. Belgium, small in extent, counts among the great commercial producing and industrial powers of the world—she counted among them and I hope she will again count among them in a short time, after her reconstruction.

I will not tire the Conference by quoting figures, but we are in that respect among the 5 or 6 foremost Powers; we have a large industrial population. In certain departments we are among the very first. I will mention only the coal and zinc industries and the production and casting of iron. I will not labor the points.

I think it would be just to give to Belgium a double representation on the 2 Commissions I have mentioned, that is, two delegates.

There remain 3 Commissions: One dealing with the control of ports and ways of communication, another which will deal with crimes committed during the war and with the penalty to be inflicted for those crimes and the third dealing with reparation. But in this last named Commission we think we are fairly well represented. There remain therefore only two: that on ports waterways and railways and that on crimes committed during the war and the penalties which those crimes deserve.

I ask that it should at once be recognized that Belgium shall have a delegate on each of these two Commissions and in doing so I do not think that I am asking more than is reasonable. Belgium possesses one of the three most important ports on the European Continent. She has a network of railways which is the densest in Europe. Owing to the needs of her production and trades she is directly interested in the whole system of international communications. It is certainly not exaggerated to ask that for the examination of so grave a problem Belgium should have a Delegate, and I ask the Conference to decide in this sense.

As regards the question of crimes committed during the war and the penalties to be exacted for them, who could deny that we

have an absolute right to be represented on the Commission, when our country was the first to be invaded, the first to be submerged by invasion, when her neutrality was violated in spite of the treaty signed by the enemy, and when some of the most abominable crimes with which the enemy can be reproached were committed on our soil as also on Serbian soil? I think then there is nothing excessive in our demand.

I speak only for ourselves. I do not wish to prejudice the rights and interests of any other country. I do not think I shall arouse their susceptibilities when I state this claim in the name of the Belgian Delegation alone.

To sum up, I ask that, as in the case of the Commission on damage caused during the war, Belgium, should have two delegates on the Commission for the establishment of the League of Nations, two delegates on the Commission on international labor legislation, one delegate on the Commission relative to the control of ports, and one delegate on the Commission for the examination of crimes committed by the enemy and of the penalties to be exacted for them.

I appeal to the sense of justice of the Great Powers and to that of the President of the Conference.

Mr. Calogeras (Brazil): It is with some surprise that I constantly hear it said: "This has been decided, that has been decided." Who has taken a decision? We are a sovereign assembly, a sovereign court. It seems to me that the proper body to take a decision is the Conference itself.

Now, it appears from what has been said that functions have been allotted and that representation on the Commissions is contemplated without certain very important interests having been able to obtain a hearing. It is unnecessary to say that I cordially adhere to the principle of a League of Nations. I have the honor to represent a country which in its constitution absolutely forbids, in express terms, the waging of a war of conquest. This is an idea of long standing with us, firmly rooted in our traditions. I am therefore heartily in favor of the idea of a League of Nations.

But if, on the other hand, I consider the proposed organization of the conditions and the manner in which the interests of my country may be represented thereon, I must point out that we have laws, I may even say texts, of a constitutional character, which do not permit us to give to anybody powers to represent us.

I therefore appeal to the sense of justice of the President and of the members of the Bureau of this Conference. I ask them that, at least on the Commission which will deal with the League of Nations as well as those on which are to examine international control of railways and ports and reparation for damage, Brazil should enjoy the representation to which she considers herself entitled.

Sir Robert Borden (Canada): I have a great deal of sympathy with the point of view of the smaller nations, because possibly the constitution of the League affects them even more closely that it affects the status of the Great Powers of the world. On the other hand, I realize that there must be a reasonable limitation of the membership of the committee; otherwise, it would be very difficult to carry on the work in an effective way. And I remember, also, that

after this Committee has made its report, its conclusions must be submitted to this Conference, and must be approved by it before they can go into effect, but I do feel that the matter has been placed before this Conference in perhaps not the most appropriate way. We are told that certain decisions have been reached. The result of that is that everyone of us asks: "By whom have those decisions been reached, and by what authority?"

I should have thought it more appropriate to submit a recommendation to this Conference, and to have the Conference itself settle the number to be appointed and who they are to be. If that course had been taken, it seems probable that most of the difficulty which had arisen would not have presented itself. And I should like to suggest, with all due respect, that perhaps that would be a more appropriate method of dealing with such matters in the future. Certain regulations have been formulated and passed by which, as I understand, two Conferences were established—one a Conference of the 5 Great Powers, and another which may be called the full or plenary Conference. I do not understand that, up to the present time, there has been any Conference of the five great Powers in accordance with the regulations thus adopted. It may be that there has and I have no doubt that there is, and with the best intention; but nevertheless, as we are acting under regulations adopted by the representatives of the 5 Great Powers, it seems highly desirable that we should abide by them. Therefore, I again suggest, with all respect, that the proceedings in the future should be guided by those regulations.

M. Trumbitch (Serbia): I have the honor to declare, in the name of the Delegation of the Kingdom of the Serbs, Croats and Slovenes, that we support the entirely just proposal of my honorable friend Mr. Hymans. At the same time, I have the honor to ask that the same representation may be given to the delegation to which I belong as to the Belgian delegation.

It is not necessary for me long to retain the attention of thit high assembly to justify the desire which I have expressed. for the reasons just now put forward by M. Hymans are almost the same as those which justify our proposal.

M. Veniselos (Greece): As regards the League of Nations. I associate myself with the request put forward by the Belgian Delegation, without, however, asking that Greece should receive the same treatment. I recognize that all small countries are deeply interested in the study of this question, but I must admit also that the situation of Belgium is entirely a special one by reason of her proximity to the German Empire, which started this War, and for the other reasons given by Mr. Hymans.

I therefore do not ask that my country should be specially represented on this Commission, and confine myself to declaring that I hold myself at the disposal of the Commission when it is appointed in order to make known my ideas on the subject.

As regards reparation for damage, I must thank the representatives of the Great Powers for the representation which they have granted to my country.

As regards the responsibility of the authors of the war, I ask that Greece may also be given a representative, in view of the fact

that we have to deplore the loss of between three and four hundred thousand people of Greek race in the Ottoman Empire. It would, therefore, appear to be just that we should be represented in order that we may be able to submit to the Commission and then to the Conference our special point of view on this question.

I do not ask that my country should be specially represented on the Commission relating to international legislation on labor, for other nations are perhaps more interested than ourselves in this question.

It would be well, finally, that we should be granted a representative on the Commission for the international control of ports, not only on account of the maritime importance of my country, and of the special interest which it has in this question, but also because of the fact that even in the present territory of Greece there are certain places which might come within the purview of this part of the program of the Conference. It would, therefore, be just that Greece should in this respect be authorized to make known her wishes.

I think it right to remind the assembly in conclusion that in the report that I have the honor to submit to the Conference concerning the territorial claims of my country, I declared myself ready to agree that countries bordering on the sea should give all possible facilities to countries placed behind them which have not such easy access to the sea.

Count Penha Garcia (Portugal): You will allow me to make some observations on a question which interests small and great Powers alike. First, I draw your attention to an essential fact which is moreover the corollary of all the noble speeches which this assembly has just heard.

It is certain that the League of Nations, a question of such great importance raised by the Great Powers and interesting the weaker countries in so high a degree, must inspire confidence as regards the future, particularly among the latter. It is likewise certain that respects for our rights, the decisions which we shall be called upon to take and the cordiality of our relations within this Assembly will constitute a kind of foretaste of that League of Nations which we have just been invited to join. I feel certain that this consideration will guide the proposals of the Great Powers and that our decisions will be inspired by the lofty view and the spirit of high justice which should preside over the League of Nations.

We must not, however, exaggerate the importance of the question of representation on the Commissions, for that, after all, only concerns a method of work, and those who propose this method meant well in doing so, because it offers indisputable advantages.

It is true that large Commissions are more difficult to direct and that their work is sometimes rather slow, but we must not forget that the work of these Commissions must be of such importance to each of the countries interested that perhaps in reality it is worth running the risk which we are now seeking to avoid. Perhaps it would be better so to arrange that in each Commission all interests should be represented and made known so that we may attain, doubtless more slowly, a surer result, which will enable us to come with more precise ideas and less unprepared to the plenary sessions.

I will especially draw the attention of the President, whose qualities of heart and whose fairness constitute for us a two-fold guarantee, to this point, of the importance of which for my country he has certainly not lost sight.

As regards the Commission on Reparation, the non-representation of Portugal is certainly due to an oversight, since other countries having special interests in this respect are all represented thereon, a fact which, I may say, affords me great satisfaction. I pay homage to the sufferings and endurance of so many countries which have been the victims of an aggression, the brutality of which has excited universal indignation.

I beg leave, however, to point out that the position of Portugal is absolutely the same, that we have shed our blood in France for the cause of Right and Justice, that our territories in Africa have been invaded, that we are half, I might indeed say completely, ruined by our efforts in the war. We do not regret this. But why, then, should we not be heard, why should we not also be represented on the Commission appointed to consider the question of Reparation. Once again I must observe this seems to me to be an oversight.

As regards the other Commissions, those relating to the control of ports, to the League of Nations, to Labor questions and to penalties for responsibility for the war, are also of unquestionable interest to Portugal, but, generally speaking, I request the Bureau to be so good as to accede to the legitimate desire of all countries represented at the Conference to be able to make their voices heard whenever they have a special interest to defend, and to be represented on the Commissions. I ask that all these countries may be placed on the same footing as the others where their rights are affected.

Mr. Benes (Czecho-Slovak Republic): Without entering into detail in regard to the question of the nomination of representatives on the Commissions, I beg leave to submit the following considerations to the Conference:

The Czecho-Slovak delegation ask to be represented on the Commissions appointed to examine the questions of Reparation and of the Responsibility of the Central Empires. We base this proposal on the following grounds:

The Czecho-Slovak Republic is especially interested in all questions concerning the financial and economic liquidation of the former Austro-Hungarian Empire; for its territory formed the most industrial region of that monarchy. It would therefore be impossible to settle these questions without allowing us to bring forward such information on the subject as we possess.

Our delegation also has a special interest in the question of International railways and waterways. Our country has in fact no access to the sea, and it is extremely important for our future international position to know how these great channels of communication will be controlled, and especially to take part in the discussion relating to the control of international railways, waterways and ports. Therefore we ask to be represented on the Commission instructed to examine these questions.

The questions of the League of Nations being also of the highest interest to countries surrounded, like ours, by Powers who have

always been hostile to them, we ask that we may be granted a representative on the Commission concerned.

To sum up, we beg the Conference to grant us a representative on each one of the three Commissions called upon to discuss questions of special interest to our Republic.

Mr. Bratiano (Roumania): The Belgian Representative, although professing only to speak on behalf of the special interests of Belgium, has raised a question of principle which Roumania has far too much at heart to allow her to refrain from expressing agreement with his point of view.

I wish for the moment to confine myself to drawing attention to the importance of these principles to States like Roumania without entering into the details of each of the questions which, I hope, will be treated fully in a subsequent discussion. I will, however, point out, in passing, with regard to one of these questions (that of international ways of communications), that Roumania is at the mouth of the Danube, a great river which affects the communication of a great part of Europe, and that she has therefore very special interests in it.

I do not, however, wish to lose sight of the fact that at this moment the League of Nations is in question, and that it would be poor evidence of the interest felt by Roumania in the formation of this League if I did not contribute to the explanations made by those representatives of other countries who have already spoken. It is certain that, in the representation of such a league, the relative strength of each state has been kept in view, and it would be just to consider at the same time the interests which lead each state to favor the formation of this league, when it might perhaps be found that small states have more interest in it than great ones.

In settling the representation of the League both of these points of view must be kept in mind.

It is to express the interest which Roumania feels in the principles of this League that she asks to be represented on this commission.

Phya Bibadh Kosha (Siam): May I be permitted, in the name of the Siamese Delegation, to ask whether representation may be afforded to those countries who have the misfortune to be without it, and, as a delegate of one of those nations, to ask whether we have the right and opportunity to attend the proceedings of each commission dealing with matters directly of interest to the country which they represent, such as a League of Nations and the International Control of ports, railways and waterways?

Mr. Lou (China): I also desire to appeal to the spirit of equity of the members of the Conference, so that technical delegates may largely participate in the different work on the Commissions.

The desire has already been expressed, as to representation by delegates, that the principle of equality among States be the basis of the League of Nations. I also express the desire to see the delegation of China represented in the Commissions on Labor Legislation and on the Means of Communication. In fact, China, during the war has sent to France nearly 150,000 Chinese laborers, of whom nearly 120,000 were in the British camps. All these laborers have indirectly contributed to the happy issue of the present war.

On the other hand, China has a very large coast line, and her railways, which connect her with the three big neighboring Powers will have considerable development after the war.

It is for these reasons that I ask for the representation of the Chinese delegation on the two Commissions I have indicated.

I may perhaps make a suggestion. I have heard my honorable colleague, who represents Brazil, saying: "The Conference decided this, the Conference decided that." I personally have had the experience of two Peace Conferences, as Mr. Léon Bourgois kindly remarked a moment ago: I think that the present Conference will make its work much more interesting if it will concentrate the efforts of the two former ones, which have established a panel of delegates from which each delegation interested in any one particular question could select one or two members for the working of the Commission. That is a suggestion I beg to propose to this Conference.

Mr. Dmowski (Poland): In view of the extent of the territory of Poland, the size of the population, and the economic development of the country, and in view also of her political interests and her very important geographical position, I am of opinion that she should have the right to send a delegate to all such Commissions as she may think fit.

I rise to associate myself with those members present who have opposed the method whereby it is proposed to choose these five delegates for Powers with special interests. The large number of voices which have been raised shows that the task of assembling the delegates of the Secondary Powers would be very difficult, that the discussion between them would, firstly, involve much loss of time and, secondly, would not tend towards harmony among them. I beg leave to propose that each delegation should draw up a written statement of its case in making a demand for the number of representatives whom it wishes to send to each Commission. I would likewise propose that there should be a Commission above all the others to decide finally on the composition of each of them. We would accept its decisions in advance, being convinced that it would seriously consider the interests of all the Powers whatevere they may be.

The President, speaking in French, replies to the observations and suggestions of the delegates, in a speech of which the followiag is a translation:

"As nobody else wishes to speak, I shall speak in my turn in order to try to justify the Bureau. It requires this, for if it had ever flattered itself that it could satisfy everybody, it would by now be thoroughly disilusioned.

"Sir Robert Borden has reproached us, though in a very friendly way, for having come to a decision. Well, we have decided, as regards the Commissions, in the same way as we decided to summon the present Conference. With your permission I will remind you that it was we who decided that there should be a Conference at Paris, and that the representatives of the countries interested should be summoned to attend it. I make no mystery of it—there is a Conference of the Great Powers going on in the next room. Sir Robert Borden has the less reason to be unaware of it since he yesterday

did us the single honor of making a statement before us on questions concerning the British Colonies.

"The Five Great Powers whose action has to be justified before you today are in a position to justify it. The British Prime Minister just now reminded me that, on the day when the war ceased, the Allies had 12,000,000 men fighting on various fronts. This entitles them to consideration.

"We have had dead, we have wounded in millions, and if we had not kept before us the great question of the League of Nations we might perhaps have been selfish enough to consult only each other. It was our right.

"We did not wish to do this, and we summoned all the nations interested. We summoned them, not to impose our will upon them, not to make them do what they do not wish, but to ask them for their help. That is why we invited them to come here. But we still have to see how this help can best be used.

"A few days ago Mr. Lloyd George was cruel enough to remind me that I was no longer very young. I entered Parliament for the first time in 1871. I have seen many Committees and Commissions and attended many meetings, and I have noticed—as most of you perhaps have also noticed—that the larger the Committees are the less chance they have of doing any work.

"Now, Gentlemen, let me tell you that behind us is something very great, very august and at times very imperious, something which is called public opinion. It will not ask us whether such and such a State was represented on such and such a Commission. That interests nobody. It will ask us for results, ask us what we have done for the League of Nations so eloquently championed today by President Wilson, Mr. Lloyd George, Mr. Bourgeois and Mr. Orlando.

"What crime have we committed? We have decided that, for our part, we would appoint two delegates each on the Commission on the League of Nations. I would beg Mr. Hymans and all those who followed him to let me keep to the point. As soon as I indulgently allowed him to wander from it, as soon as the door was opened, everybody rushed in and discussed everything except the subject under discussion. It is my duty to guide the Conference in its work in order to obtain a result.

"We have therefore decided to appoint two delegates each, and then—may I be pardoned for it—we have decided to ask you to appoint five delegates in common.

"If you do not think this enough, I will not take the responsibility of choosing from among you all, since each asks for more representation, but I will make a proposal: Choose all of us, so that everybody will at least have his rights.

"What is the complaint? Has any right been denied to any Power? You all know how Committees work and you have the right to go before any Committee you like. Mr. Bourgeois, who is here, is not a plenipotentiary. He spoke with the authority to which he is entitled, and you were glad to hear him. I have heard Mr. Veniselos and many of you say: 'Our voice will not be heard.' How can you level such a reproach at us? Your voice will be all the better heard, because we are now arranging a means by which we can listen to each other. You can be heard on all the Commis-

sions and Committees, and, after all, are you not sure that your voice will reach the Conference since you yourselves will be present and able to speak there?

"Think, Gentlemen, of the consequences of the proposals now made to us. As Mr. Dmowski said just now, requests will be made in writing and we shall collect these papers and then spend an hour or two in our Committee trying to find the best way out of these difficulties. But that is of no use either, for what we want is tangible results. The armistice still keeps many millions of men at the front. It is not questions of procedure, but essential ones, that have to be decided. I ask all of you to consider the consequences of the proposals which come to us from all parts of this Assembly. If today we leave aside the essential question to indulge in debates in procedure, I think I am safe in saying that at the end of a week or even of a fortnight nothing will have been settled and the essential question will not even have been examined.

"Now, the public is waiting. This state of things appears to me impossible. I join Mr. Dmowski in asking anybody having observations to make to send them to the Bureau. But I do not ask for a special Committee to decide the matter.

"Why should I not say what I think? I do not see that the Committee has the right to impose its will upon these five Powers. At least I say what I think. I want to get on, and I should very much like you to make up your minds today.

"Let me make a suggestion which might suit everybody for the time. You might vote on all the proposals which we put before you today, reserving the right, which all Assemblies have, to insert amendments. But, Gentlemen, do not let us go home today without having voted decisively, so that President Wilson, Mr. Bourgeois, Lord Robert Cecil and all of them may be able to get to work this evening and the Commissions to start from tomorrow. My aim and that of my colleagues of the other Powers is to organize Commissions as soon as possible, so as to give them work. All those of you wish to appear before them will do so. Anybody who wants changes will ask for them. As proposed by Mr. Dmowski, they will be examined and reported on. In this way we shall at least have the advantage of beginning work at once.

"We propose to you to appoint a certain number of Commissions. There will be two—one economic and the other financial—to be appointed at the next Session, after which all the Commissions will be working, the order of the day can be satisfactorily dealt with, and effective discussion begun.

"I beg your pardon, Gentlemen, for having spoken at such length, but all that I have said appeared to me necessary. Think of the immense work awaiting us. Just think of it! As President Wilson just now said, in an admirable sentence which sums up the whole question: 'We, like our Armies, wish to win not only the war, but a cause.' We have the burden and responsibility of this cause in our hands. Of course, questions of procedure have their importance, too. They will be settled in due course. If the number of Commissions proves insufficient it can be increased—we leave you quite free in that respect—but remember, Gentlemen, the larger the Commissions, the less gets done.

"Gentlemen, since I began to take part in these discussions I have sacrificed a certain number of personal opinions. I have done this cheerfully, feeling that I was doing something good and useful for the Common Cause. That was what I said to myself just now on hearing the noble words of President Wilson and Mr. Lloyd George.

"Let all of us, Gentlemen, be animated by the same spirit. The Bureau never wished to hurt anybody at all. On the contrary, it would like to unite you all in one group. Let us, then, start work at once, and in the meantime claims will be presented and your Bureau able to start work."

Mr. Hymans (Belgium) declares that he will say no more for fear of justifying the reproaches of the President of the Conference, and confines himself to the following observation:

"I simply propose that the Conference should vote on the resolutions which have been submitted to it. The Bureau has heard the observations which have been made in this Assembly. As I said just now, I have confidence in its justice, and I ask it to pay attention to those observations, to revise the composition of the Commissions and decide thereon."

Mr. Klotz (France) lays on the table of the Conference, for reference to the Commission which has just been appointed, a draft proposal for a financial Section of the League of Nations.

The *President* submits to the Conference resolutions relative to the appointment of the four other Commissions for which provision is made in the order of the day, and for which the Powers with special interests have to name their delegates.

He recalls the fact that the second Commission has to examine the responsibility of the authors of the war and the enforcement of penalties (Annex 2) and that the small Powers have to choose five representatives on this Commission.

In reply to an observation made by Mr. Calogeras (Brazil) on the subject of the number of representatives alloted to his country, the President points out that Brazil has no reason to complain of the number of Delegates allowed to her, and that it does not follow that because a country is not represented on a Commission, it has not the same rights as those who are.

On the third Commission, which will consider the question of reparation for damages (Annex 3), Belgium, Greece, Poland, Roumania and Serbia are asked to appoint two representatives each.

With regard to the text of the resolution relative to this Commission, Mr. Klotz (France) observes that there appears to be an important omission in it. It says that this Commission will have to examine various questions: (1) the amount of reparation which the enemy Powers ought to pay: (2) their capacity for payment; (3) by what method, in what form, and within what time this payment must be made. To this last paragraph it will be well to add: "And the guarantees necessary to insure its payment."

The amendment proposed by Mr. Klotz is referred to the Bureau for examination.

On the fourth (International Legislation on Labor—Annex 4) and fifth (International Control of Ports, Waterways and Railways—Annex 5) Commissions, the Powers with special interests will for the time appoint five Delegates.

The President proposes that these appointments should be made on January 27.

Mr. Hymans (Belgium) having asked that the Secretariat should examine the question and arrive at a decision regarding the number of representatives to be appointed, the President replies that the question is one for the Bureau, and not for the Secretariat. He adds:

I ask that the Bureau should retain its liberty of action. If you do not wish to name your Delegates now, but would rather wait, so be it, but, let me tell you, at this moment we are occupied with serious questions. The Polish question is among the foremost. On Monday we have to hear Delegates. If you ask for the postponement of the election, it will be postponed, but I must tell you that the Delegates of the Great Powers, for their part, will not consider themselves to have been postponed and nobody will gain anything.

As for us, we think that our work is urgent, and we ask the help of the whole Conference to assist us to get through it.

Mr. Hymans (Belgium) expresses agreement, and asks for the judgment of the Bureau, whose decision will be awaited.

Mr. Bratiano (Roumania) recognizes that everybody is willing to meet on the 27th of January for the purpose of naming Delegates, who will be able to begin work at once now that it is possible to examine questions of principle.

The President puts to the vote the proposal of the Bureau:—That the Delegates of the Powers with special interest should meet on the 27th of January at 15 o'clock (3 p. m.) to elect representatives.

This proposal is adopted.

(See Annex 6 for the minutes of the Session of January 27, and Annex 7 for the list of the members of the five Commissions.)

The President asks those members of the Conference who have declarations to make regarding the Delegates to be so good as to present them to the Bureau.

The Session is adjourned at 18.10 o'clock (6.10 p. m.).

P. Dutasta,
Secretary General.

G. Clemenceau,
President

J. C. Grew,
M. P. A. Hankey,
Paul Gauthier,
Aldrovandi,
Sadao Saburi,
Secretaries

ANNEX 1.

DRAFT RESOLUTIONS RELATIVE TO THE LEAGUE OF NATIONS.

The Conference, having considered the proposals for the creation of a League of Nations, resolves that:

(1) It is essential to the maintenance of the world settlement, which the Associated Nations are now met to establish, that a League of Nations be created to promote international cooperation, to insure the fulfillment of accepted international obligations and to provide safeguards against war.

(2) This League should be treated as an integral part of the general Treaty of Peace, and should be open to every civilized nation which can be relied on to promote its objects.

(3) The members of the League should periodically meet in international conference, and should have a permanent organization and secretariat to carry on the business of the League in the intervals between the conferences.

The Conference therefore appoints a Committee representative of the Associated Governments to work out the details of the Constitution and functions of the League.

January 25, 1919.

ANNEX 2.

DRAFT RESOLUTION RELATIVE TO THE RESPONSIBILITY OF THE AUTHORS OF THE WAR AND THE ENFORCEMENT OF PENALTIES.

That a Commission, composed of two representatives apiece from the five Great Powers and five representatives to be elected by the other Powers, be appointed to inquire into and report upon the following:

(1) The responsibility of the authors of the war.

(2) The facts as to breaches of the customs of law committed by the forces of the German Empire and their Allies on land, on sea and in the air during the present war.

(3) The degree of responsibility for these offences attaching to particular members of the enemy forces, including members of the General Staffs and other individuals, however highly placed.

(4) The Constitution and procedure of a tribunal appropriate to the trial of these offences.

(5) Any other matters cognate or ancillary to the above which may arise in the course of the inquiry and which the Commission finds it useful and relevant to take into consideration.

January 25, 1919.

ANNEX 3.

DRAFT RESOLUTION RELATIVE TO REPARATION FOR DAMAGE.

That a Commission be appointed with not more than three representatives apiece from each of the five Great Powers and not more than two representatives apiece from Belgium, Greece, Poland, Roumania and Serbia, to examine and report:

(1) On the amount which the enemy countries ought to pay by way of reparation.

(2) On what they are capable of paying; and
(3) By what method, in what form and within what time payment should be made.
January 25, 1919.

ANNEX 4.

DRAFT RESOLUTION ON INTERNATIONAL LEGISLATION ON LABOR.

That a Commission, composed of two representatives apiece from the five Great Powers and five representatives to be elected by the other Powers represented at the Peace Conference, be appointed to inquire into the conditions of employment from the international aspect and to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to continue such inquiry and consideration in co-operation with, and under the direction of the League of Nations.
January 25, 1919.

ANNEX 5.

DRAFT RESOLUTION RELATIVE TO INTERNATIONAL CONTROL OF.

International control of ports, waterways and railways.
That a Commission, composed of two representatives apiece from the five Great Powers and five representatives to be elected by the other Powers, be appointed to inquire into and report on:
International control of ports, waterways and railways.
January 25, 1919.

ANNEX 6.

MINUTES OF THE MEETING HELD BY THE REPRESENTATIVES OF POWERS WITH SPECIAL INTERESTS, JANUARY 27, 1919.

The Session is opened at 15 o'clock (3 p. m.) under the Presidency of Mr. Jules Cambon, French Delegate, President.

Present:—

For Belgium:
Mr. Hymans,
Mr. Van den Heuvel,
Mr. Vandervelde.
For Bolivia:
Mr. Ismaël Montes.
For Brazil:
Mr. Olyntho de Magalhaes,
Mr. Pandia Calogeras.
For China:
Mr. Lou Tseng Tsiang,
Mr. Suntchou Wei, Envoy Extraordinary and Minister Plenipotentiary of China at Brussels.
For Cuba:
Mr. Rafael Martinez Ortiz.
For Ecuador:
Mr. Dorn y de Alsua.

For Greece:
Mr. Nicolas Politis,
Mr. Athos Romanos, Envoy Extraordinary and Minister Plenipotentiary of H. M. The King of the Hellenes at Paris, Technical Delegate.
For Haiti:
Mr. Tertullien Guilbaud, Envoy Extraordinary and Minister Plenipotentiary of Haiti at Paris.
For The Hedjaz:
Mr. Rustem Haidar.
For Peru:
Mr. Francisco Garcia Calderon.
For Poland:
Mr. Roman Dmowski.
For Portugal:
Dr. Egas Moniz,
The Count Penha Garcia.
For Roumania:
Mr. Jean J. C. Bratiano,
Mr. Nicolas Misu.
For Serbia:
Mr. Pashitch,
Mr. Trumbitch,
Mr. Vesnitch.
For Siam:
The Prince Charoon,
Phya Bibadh Kosha.
For the Czecho-Slovak Republic:
Mr. Charles Kramar,
Mr. Edouard Benes.
For Uruguay:
Mr. Juan Carlos Blanco.

The President sets forth in the following terms the object of the meeting:—

The President of the Conference has done me the honor of appointing me to preside over the meeting of the Delegates of the Powers with special interests which have to settle the names of their representatives on the different Commissions, the list of which has already been drawn up. Other Commissions will be appointed later on.

Today you are summoned to express your views in regard to the composition of four Commissions.

I believe that all the members present speak or understand French; I therefore suggest that you should decide that no translation shall be made of the words pronounced here.

(The meeting, after consultation, assents to this proposal.)

So far as concerns the appointment of Delegates on the Commissions, the simplest plan appears to me to be to suspend the session in order that you may be able to come to an agreement among yourselves. We will open an examination of the lists when the session is resumed.

Mr. Kramar (Czecho-Slovak Republic) asks leave to speak in order to propose a compromise:—

I perfectly understand the idea which guided Mr. Clemenceau at the last session, when he said that it would be useless to have Com-

missions composed of too great a number of members. All those who, like him, have had experience of parliamentary affairs are convinced of this.

I hold the view, in accordance with this opinion, that the Commissions should be composed, in fact, of fifteen members. I ask, however, that an exception should be made in the case of one of them which seems to me to be of special importance. I mean the Commission on the League of Nations. I am well aware that nothing will be definitely decided in commission, but we all of us realize that, when a step has been accepted by a Commission, it is difficult for a contrary decision to be taken in plenary session.

Now, no injury could be caused to the idea of the League of Nations if the small Powers were represented on the Commission. For this reason, and since Mr. Clemenceau has publicly declared that number was not a sacred thing before which one has to bow, it has occurred to me that we might modify the number of Delegates on this important Commission. It would be possible to decide that it should be composed of twenty-five members: fifteen to represent the Great Powers and ten for the Powers with special interests. In this way it would be impossible for any kind of bitterness to remain in the minds of the Delegates of the last-named Powers.

The other Commissions would remain with their composition of fifteen members, ten for the Great Powers and five for the Powers with special interests.

Such is the arrangement which I desire to propose.

The President states that he takes note of the extremely interesting observations offered by Mr. Kramar, and adds:

You certainly remember that at the last plenary session, the President of the Conference was at pains to observe that all Delegates who might desire to make their voices heard in the Commissions could do so as they wished.

At the present moment, I do not think that we—for we represent here only a fraction of the Conference—can modify on our own authority that which has been decided by the Conference at its last session. The proposal which Mr. Kramar has just made can be referred to the next plenary session. To-day we could not deliberate in regard to it without exceeding the mandate which we have to fulfill. The only thing which we have to do is to keep within the rules laid down for us by the Conference and to proceed to vote.

It would, in my opinion, be best to suspend the session in order that you may agree among yourselves on the choice which you wish to make.

Mr. Calogeras (Brazil), after seeking leave to speak, expresses himself as follows:

I desire, in the first place, to congratulate this limited assembly on having at its head as President so illustrious a statesman as Mr. Jules Cambon. May I now be permitted to define certain questions?

Unless I am mistaken, it was stated at the last plenary session of the Conference, as Mr. Kramar reminded us, that the composition of the Commissions, in respect of numbers, was a settled matter.

It was likewise stated that all claims—justified ones, naturally—relating to an increase in the number of members of these Commissions, should be reserved for a later session.

I think I remember that certain claims have already been heard; it will at least be necessary for them to be examined.

It is clear that we cannot at this moment do more than what has been decided. It should, however, be well understood and perfectly clear that this is only a temporary solution until such time as a decision shall have been taken with regard to the question of increasing the number of members of the Commissions. I apologize for speaking at some length and I will attempt to summarize my observations.

I possess a certain experience of international conferences, having sat on several occasions as the representative of Brazil in Pan-American conferences. Now, my experience does not altogether accord with what has been said here. One is aware that in great parliamentary debates, the majority, by its vote, compels the minority and, moreover, that commissions are not always models of efficiency: this we all know; I am myself a parliamentarian. However, in an Assembly like this one, which is an International Conference, where neither majority nor minority exists, votes must be obtained by unanimity, because, as a final enforcement, you have the signature of the agreements whereby conventional laws are fixed.

There clearly exists certain difficulties in connection with publicity, the very great publicity which is, moreover, necessary to our discussions. In plenary session, a question of human pride comes into play. A nation which has expressed itself in a certain sense cannot easily gainsay itself or reach a compromise; whereas, in Commissions where there is a far greater degree of intimacy, where discussions take place with greater heat but also with greater freedom, agreements are far easier and far simpler than when they are dependent on a vote to be obtained in the plenary Conference.

It is, moreover, manifest that one cannot require that, among so many representatives of different States, among so many mandatories bearers of diverse diplomatic instructions, one should obtain forthwith the agreement which is the indispensable preliminary of the needed solutions. By the very fact that publicity is much greater in plenary session, you will understand that any divergences of opinion, even those which may merely be ones of detail and devoid of really great importance, directly they appear soon acquire a much greater importance and produce an impression which might be unfavorable and, if I may say so, disastrous to the solutions which we wish to reach in harmony and by the free consent of the will of all concerned.

These are the reasons for which it seemed, and still seems to me to-day—I speak from my small experience as a member of several international conferences—that there will be every advantage, from the point of view of the rapidity of our labors and having regard to the necessary agreement which must receive the sanction of the plenary Conference, in fixing the number of members, not of all but of certain of the Commissions, at a higher figure than the one hitherto adopted. I have myself made a claim. Other Delegates have spoken more or less in the same sense; it is clear that there is something to be done in this direction.

We have come here with a great ideal which all the world supports; we desire to institute the League of Nations, that is to say, a system of equality as between all nations. The principle of the League has already been completely established. Each nation must be given a vote; "one nation, one vote." That is the spirit in which I beg leave to bring to your attention the arguments which appear to militate in favor of an increase in the number of members of Commissions, for the phrase "League of Nations" must not merely appear in our speeches; its spirit must reign in our hearts.

The President points out, with the agreement of Mr. Calogeras, that the observations which have just been made cannot modify the proposals already placed before the Assembly; that, moreover, they cannot be taken into account at a meeting which has for its sole object the designation of the representatives of Powers with special interests.

The observations of the Delegate for Brazil will, however, be recorded in the Minutes of the session, and the President will communicate them to the Bureau of the Conference.

Furthermore, the Delegates of Powers which desire to see an increase in the number of their representatives on the Commission of the League of Nations may naturally go and offer their observations before that Commission. That Commission, which will be undoubtedly animated by a most liberal spirit, may, if it considers the number of representatives to be insufficient, request the plenary Conference to increase the number originally settled.

Mr. Vesnitch (Serbia), offers an observation of a technical description by proposing that the vote to be given should be in the name of States, but not in the name of persons.

This proposal is adopted.

The session is suspended at 15.25 o'clock (3.25 p. m.) in order to allow the Delegates to exchange views before examining the list of the representatives to be designated.

The session is resumed at 16.05 o'clock (4.05 p. m.).

On the resumption of the session *Mr. Hymans* (Belgium) describes as follows the result of the exchange of views among the Delegates:—

We have sought to reach an agreement, by means of private conversations, in regard to the position of the four following Commissions: Commission on the League of Nations; Commission on Ports; Commission on International Legislation on Labor; Commission to inquire into the Responsibility for Crimes committed during the war.

As a result of the conversations which have taken place, there are two Commissions in regard to the composition of which there appears to be agreement, and we can thenceforward eliminate the two following questions from our deliberations: the Commission on the Responsibility for Crimes committed during the war, and the Commission on International Legislation on Labor.

If there were no opposition, we could consider that the Delegates have been named for the Commission to inquire into the responsibility for crimes committed during the war, and to examine the penalties attached to those crimes, that Commission being composed of the representatives of Belgium, Serbia, Roumania, Poland and Greece.

As regards the composition of the Commission to study International Legislation on Labor, we propose to put down the names of the following Powers: Belgium, Serbia, Cuba for the South American group, Poland and the Czecho-Slovak Republic. The Serbian Delegates, however, have been good enough to state that they agreed to yield their place to Belgium, which, in view of the position which she holds in the industrial and commercial world, may be considered from that point of view as a Great Power. Belgium would therefore have two seats.

The question is a more delicate one as regards the composition of the Commission to inquire into the constitution of the League of Nations, and the composition of the Commission on the Control of Ports, Waterways and Railways.

In the conversations which have just taken place, there seemed to be an agreement as regards Belgium and Serbia, each having a representative on both Commissions; there are, however, besides those two, Powers which likewise demand to be represented on both Commissions and the number of the Powers which wish to sit on them exceeds the number of available seats. Brazil, China, Roumania, Poland, the Czecho-Slovak Republic, Greece, and Portugal ask to be represented on the League of Nations Commission.

With regards to the Ports Commission, in addition to Belgium and Serbia, Uruguay representing the South American group, Poland, China, Greece, Roumania, and Portugal ask to be represented on this Commission.

In our opinion it would be best, with a view to the composition of these two Commissions, to take a vote; it is our intention to request you, Mr. President, when the vote has taken place and after the nomination of the five Delegates to whom we have been told we are entitled, to make yourself the interpreter of the desire of today's meeting by begging the Bureau of the Conference to be so good as to increase eventually the number of seats on these two Commissions; we would indicate the Powers for which these seats are requested.

The Greek Delegates state that they agree with Mr. Hymans in regard to the composition of the first two Commissions for which, in default of opposition, the vote should be regarded as settled; furthermore, like Serbia, they renounce their representation on the International Labor Legislation Commission in favor of Beligum.

The President gives his consent to this mode of procedure and concludes, to sum up, that five Delegates will be appointed and that four will be designated in order that they may be proposed to the Bureau of the Conference so as to complete the Delegation.

The discussion is resumed on the method of voting.

The President states that, with regard to the Labor Legislation Commission and that on the Responsibility for Crimes, there is no need to vote, as the Delegates have agreed among themselves.

The representation of Powers with special interests on the international Labor Legislation Commission will therefore be composed as follows: Belgium, with two seats; Cuba, Poland, and the Czecho-Slovak Republic, with one seat each.

As regards the Commission to inquire into the Responsibility for Crimes committed during the War, Belgium, Greece, Poland,

Roumania, and Serbia will each have one representative on that Commission.

As regards the two other Commissions—those on the League of Nations and on Ports—the President proposes to proceed by separate vote for each Commission. This having been accepted, he states that it is understood that the Delegates to be considered as elected will be the five who have received the greatest number of votes. The four names following them will be laid before the Conference, by way of suggestion, with a view to complete the Commissions.

An exchange of view takes place in order to fix the method of voting. It is decided in the first place that the voting at the first round is to be determined by absolute majority; at the second, by relative majority; further, that each Delegation shall only hand in one voting card.

The list of candidates for the League of Nations Commission is communicated to the meeting. These candidates are, in alphabetical order in French: Belgium, Brazil, China, Ecuador, Greece, Haiti, Poland, Portugal, Roumania, and Serbia and the Czecho-Slovak Republic.

The votes are collected, sorted and counted.

The President announces the result:

There are seventeen voters; the five nations which have received an absolute majority and the greatest number of votes are: Belgium, China, Brazil, Serbia, and Portugal. Thereafter come Roumania, Poland, Greece, the Czecho-Slovak Republic, Haiti and Ecuador.

In accordance with the decision of the Assembly, the President will communicate to the Bureau of the Conference the names of the four nations which, after the five nations appointed, have obtained the greatest number of votes, namely: Roumania, Poland, Greece, and the Czecho-Slovak Republic.

The President thereupon proposes to designate the members of the Ports, Waterways and Railways Commission.

Mr. Benes (Czecho-Slovak Republic) offers the following observation:

When we examined the question of the number of Delegates to be admitted into the Commission for Railways, Waterways, and the Internationalization of Ports, I explained to my colleagues on the Commission certain reasons for which we, the Czecho-Slovaks were anxious to be represented among the five Powers to be designated. Those reasons are as follows: We are in the middle of Central Europe, a country surrounded on all sides by enemy powers, notably Germany and the Magyars, and we have no access to the sea. For us the question of the internationalization of railways is a vital one; on the other hand, our State is a riverain state of the Danube and we are specially interested in the question of the Adriatic; moreover, having no great ports, we shall therefore be interested in expressing our views on the subject of the special systems of control of the Baltic and the Adriatic ports. These are the reasons which we have advanced in order that we may be included in the number of the five Powers which are to be represented on the Commission: I therefore propose the candidature of the Czecho-Slovaks to be among the Five Powers which you are about to designate.

Mr. Hymans (Belgium) announces, but not in order of priority, the names of the Powers which ask to be represented on the Commission: They are Belgium, Serbia, Uruguay, Poland, China, Roumania, Greece, the Czecho-Slovak Republic and Portugal.

The votes are collected, sorted and counted.

The President announces the result:—

The five Powers which have secured an absolute majority are: Belgium, China, Greece, Uruguay and Serbia.

After them, the following have secured the greatest number of votes: Roumania, Portugal, Poland and the Czecho-Slovak Republic.

Therefore, the suggestion to be made to the Bureau is concerned with the supplementary admission of the four last-named Powers.

Mr. Calogeras (Brazil) makes the following statement in regard to the result of the voting:

It appears to me that a great moral lesson is derived from the votes which this Assembly has just cast: on all the Commissions it is to Belgium that the greatest number, indeed almost the unanimity of votes, has been given. That is not astonishing. We have barely emerged from a struggle which will undoubtedly effect a complete transformation of modern society: now, if it has been possible to secure this victory, if we are assembled round this Conference table, it is certainly because there has been an expiratory victim, a country, small in extent, but great of heart, which has offered itself up as a holocaust, and to which we may well apply the phrase which Joan of Arc used of her banner: "It has been dragged in the dust; it now floats in the breeze."

Mr. Hymans (Belgium) thanks him in the following terms:—

From the depths of my heart I thank the representative of noble Brazil for the words with which he has just greeted my country. We have, I think, done our duty; victory has crowned the common efforts of the Allies and all of us here will have only one purpose, together with the great Allies at whose side we were sitting yesterday; that is, to establish a just peace, and to organize an international order founded on the rights and equality of nations.

The President adds these words:

In the name of all the nations represented at this table I associate myself with the words just pronounced by the representatives of Brazil; at the same time, however, I desire to associate with these eulogies Serbia, Roumania, and all the nations which have suffered, like ourselves and like Belgium, for the cause of Civilization and Right.

It is understood, of course, that the Delegates of countries which have been indicated will be at the same time the Delegates of all the nations, and that they may be requested to present the desiderata of nations which have not been themselves designated.

In conclusion, the President begs the Delegations to communicate as soon as possible to the General Secretariat the names of the representatives of nations designated by the vote which has just been taken, as the Commission ought to be constituted as rapidly as possible.

The members of the Secretariat take note of these names. (See Annex VII.).

The session rises at 16.50 o'clock (4.50 p. m.).

ANNEX 7

LIST OF MEMBERS OF COMMISSIONS

1

Commission on the League of Nations.

United States of America:
President Wilson,
Honorable Edward M. House.
British Empire:
The Rt. Hon. The Lord Robert Cecil,
Lieutenant-General The Rt. Hon. J. C. Smuts.
France:
Mr. Léon Bourgeois,
Mr. Larnaude, Dean of the Faculty of Law of Paris.
Italy:
Mr. Orlando,
Mr. Scialoja.
Japan:
The Baron Makino,
The Viscount Chinda.
Belgium:
Mr. Hymans.
Brazil:
Mr. Epitacio Pessoa, Senator, former Minister of Justice.
China:
Mr. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary of China at Washington.
Portugal:
Mr. Jayme Batalha Reis.
Serbia:
Mr. Vesnitch.

2

Commission on the Responsibility of the Authors of the War and the Enforcement of Penalties.

United States of America:
Honorable Robert Lansing.
Mr. James Brown Scott.
British Empire:
The Rt. Hon. Sir Gordon Hewart, K. C., M. P., Attorney General, with the right of substituting.
The Rt. Hon. Sir Ernest Pollock, K. B. E., K. C., M. P. Solicitor-General.
The Rt. Hon. W. F. Massey.
France:
Mr. André Tardieu,
Mr. Larnaude.
Italy:
Mr. Scialoja,
Mr. Raimondo, Deputy.

Japan:
Mr. Adatci, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan at Brussels.
Mr. H. Nagaoka.
Belgium:
Mr. Rolin-Jacquemyns, Secretary-General of the Belgian Delegation.
Greece:
Mr. Politis.
Poland:
Mr. Constantin Skirmunt, Member of the Polish National Committee, Representative of the Committee at Rome.
Roumania:
Mr. S. Rosental, Jurist.
Serbia:
Mr. Slobodan Yovanovitch, Rector of the University of Belgrade, with the right of substituting.
Mr. M. K. Koumanoudi, Professor of the University of Belgrade, or
Mr. M. M. Novacovitch, Professor of the University of Belgrade.

3

Commission on Reparation of Damage.

United States of America:
Mr. Bernard M. Baruch, President of the War Industries Board.
Mr. Norman H. Davis, Commission of Finance.
Mr. Vance McCormick, President of the War Trade Board.
Great Britain:
The Rt. Hon. W. M. Hughes,
The Rt. Hon. The Lord Sumner of Ibstone, Lord of Appeal in Ordinary,
The Rt. Hon. The Lord Cunliffe, former Governor of the Bank of England.
France:
Mr. L. L. Klotz,
Mr. Loucheur, Minister of Industrial Reconstruction,
Mr. Albert Lebrun, Minister of the Liberated Territories.
Italy:
Mr. Salandra,
Mr. D'Amelio, Councillor to the Court of Cassation,
Mr. E. Chiesa, Deputy.
Japan:
Mr. Kengo-Mori, Financial Agent to the Embassy at London,
Mr. H. Nagaoka,
Mr. Tatumi, Administrator of the Yokohama Specie Bank.
Belgium:
Mr. Van den Heuvel,
Mr. Despret, Advocate at the Court of Cassation, Administrator of the Bank of Brussels.
Greece:
Mr. Romanos,
Mr. Michalakopoulos, Minister of State.

Poland:
Mr. Sigismond Chamiec, Director of the National Loan Bank,
Mr. Casimir Olszowski, Director of the Department of War Damage at the Ministry of Finance.
Roumania:
Mr. Georges Danielpol, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Roumania at Washington, former Director of the National Bank of Roumania.
Mr. P. Zahariade, Engineer, Inspector-General, former Director of the Railways.
Serbia:
Mr. C. Stoyanovitch, Deputy,
Mr. Milosh Savtchitch, former Minister, with the Right to be Replaced by:
M. Dragoutine Provitch, Lawyer,
Dr. Vel Baikitch, Bank Director.

4

Commission on International Legislation on Labor.

United States of America:
Honorable Edward N. Hurley, President of the Shipping Board,
Mr. Samuel Gompers, President of the American Federation of Labor.
Great Britain:
The Rt. Hon. G. N. Barnes,
Sir Malcolm Delevingne, K. C. B., Assistant Under-Secretary of State for the Home Department.
France:
Mr. Colliard, Minister of Labor and Social Insurance,
Mr. Loucheur.
Italy:
Baron Mayor des Planches, Honorary Ambassador, Commissioner-General of Emigration,
Mr. Cambirni, Deputy.
Japan:
Mr. Otchiai, Minister Plenipotentiary and Envoy Extraordinary of His Majesty the Emperor of Japan at The Hague;
Mr. Oka, former Director of Commercial and Industrial Affairs at the Ministry of Commerce.
Belgium:
Mr. Vandervelde,
Mr. Mahaim, Professor of the University of Liége, Secretary of the Belgian Section of the International Associatien for the Legal Protection of Workers.
Cuba:
Mr. Antonio Sànchez Bustamante.
Poland:
Mr. Jean Zoltowski, Member of the Polish National Committee (temporary Delegate).
Czecho-Slovak Republic:
Mr. Benes.

5

Commission on the International Control of Ports, Waterways, and Railways.

United States of America:
Honorable Henry White,
Honorable David Hunter Miller.
Great Britain:
The Hon. A. L. Sifton,
Sir Hubert Llewellyn-Smith, K. C. B., Permanent Secretary to the Board of Trade.
France:
Mr. Claveille, Minister of Public Works and Transport,
Mr. André Weiss, Professor at the Faculty of Law of Paris, Legal Adviser to the Ministry of Foreign Affairs.
Italy:
Mr. Crespi, Minister of Food,
Mr. de Martino, Secretary-General of the Ministry of Foreign Affairs.
Japan:
Mr. K. Matsui,
Colonel Sato.
Belgium:
Mr. Paul Segers, Minister of State.
China:
Mr. Chenting Thomas Wang.
Greece:
Mr. Coromilas, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Hellenes at Rome.
Serbia:
Mr. Trumbitch.
Uruguay:
Mr. Juan Carlos Blanco.

COMMISSION ON THE RESPONSIBILITY OF THE AUTHORS OF THE WAR AND ON ENFORCEMENT OF PENALTIES

THE Preliminary Peace Conference at the plenary Session on the 25th January, 1919 (Minute No. 2), decided to create, for the purpose of enquiring into the responsibilities relating to the war, a Commission composed of fifteen members, two to be named by each of the Great Powers (United States of America, British Empire, France, Italy and Japan) and five elected from among the Powers with special interests.

The Commission was charged to enquire into and report upon the following points:—

1. The responsibility of the authors of the war.
2. The facts as to breaches of the laws and customs of war committed by the forces of the German Empire and their Allies, on land, on sea, and in the air during the present war.
3. The degree of responsibility for these offences attaching to particular members of the enemy forces, including members of the General Staffs, and other individuals, however highly placed.
4. The constitution and procedure of a tribunal appropriate for the trial of these offences.
5. Any other matters cognate or ancillary to the above which may arise in the course of the enquiry, and which the Commission finds it useful and relevant to take into consideration.

At a meeting of the Powers with special interests held on the 27th January, 1919, Belgium, Greece, Poland, Roumania and Serbia were chosen as the Powers who should name representatives. (Minute No. 2. Annex VI.)

After the several States had nominated their respective representatives, the Commission was constituted as follows:—

United States of America:
Hon. Robert Lansing.
Major James Brown Scott.

British Empire:
The Rt. Hon. Sir Gordon Hewart, K. C., M. P.
or
Sir Ernest Pollock, K. B. E., K. C., M. P.
The Rt. Hon. W. F. Massey.

France:
Mr. André Tardieu.
(Alternate: Captain R. Masson.)
Mr. F. Larnaude.

Italy:
Mr. Scialoja.
(Alternates: Mr. Ricci Busatti, Mr. G. Tosti.)
Mr. Raimondo. Later, Mr. Brambilla (3rd February); Mr. M. d'Ameloi (16th February).
Japan:
Mr. Adatci.
Mr. Nagaoka. Later, Mr. S. Tachi (15th February).
Belgium:
Mr. Rolin-Jaequemyns.
Greece:
Mr. N. Politis.
Poland:
Mr. C. Skirmunt. Later, Mr. N. Lubienski (14th February).
Roumania:
Mr. S. Rosental.
Serbia:
Professor Slobodan Yovanovitch.
(Alternates: Mr. Koumanoudi, Mr. Novacovitch.)

Mr. Lansing was selected as Chairman of the Commission, and as Vice-Chairman, Sir Gordon Hewart or Sir Ernest Pollock and Mr. Scialoja. Mr. A. de Lapradelle (France) was named General Secretary and the Secretaries of the Commission were:—

Mr. A. Kirk, United States of America; Lieutenent-Colonel O. M. Biggar, British Empire; Mr. G. H. Tosti, Italy; Mr. Kuriyama, Japan; Lieutenant Baron J. Guillaume, Belgium; Mr. Spyridion Marchetti, Greece; Mr. Casimir Rybinski, Poland.

Mr. G. H. Carmerlynck, *Professeur agrégé* of the University of France, acted as interpreter to the Commission.

The Commission decided to appoint three Sub-Commissions.

Sub-Commission I, on Criminal Acts, was instructed to discover and collect the evidence necessary to establish the facts relating to culpable conduct which (*a*) brought about the world war and accompanied its inception, and (*b*) took place in the course of hostilities.

This Sub-Commission selected Mr. W. F. Massey as its Chairman.

Sub-Commission II, on the Responsibility for the War, was instructed to consider whether, on the facts established by the Sub-Commission on Criminal Acts in relation to the conduct which brought about the world war and accompanied its inception, prosecutions could be instituted, and, if it decided that prosecutions could be undertaken, to prepare a report indicating the individual or individuals who were, in its opinion, guilty, and the Court before which prosecutions should proceed.

This Sub-Commission selected alternatively Sir Gordon Hewart or Sir Ernest Pollock as Chairman.

Sub-Commission III, on the Responsibility for the Violation of the Laws and Customs of War, was instructed to consider whether, on the facts established by the Sub-Commission on Criminal Acts in relation to conduct which took place in the course of hostilities, prosecutions could be instituted, and if it decided that prosecutions could be undertaken, to prepare a report indicating the individual or individuals who were, in its opinion, guilty, and the Court before which prosecutions should proceed.

This Sub-Commission selected Mr. Lansing as its Chairman.

When the reports of the Sub-Commissions had been considered, a committee composed of Mr. Rolin-Jaequemyns, Sir Ernest Pollock and Mr. M. d'Amelio was appointed to draft the report of the Commission. This Committee was assisted by Mr. A. de Lapradelle and Lieutenant-Colonel O. M. Biggar.

The Commission has the honour to submit its report to the Preliminary Peace Conference. The report was adopted unanimously subject to certain reservations by the United States of America and certain other reservations by Japan. The United States Delegation has set forth its reservations and the reasons therefor in a memorandum attached hereto (Annex II) and the same course has been taken by the Japanese Delegation (Annex III).

REPORT PRESENTED TO THE PRELIMINARY PEACE CONFERENCE BY THE COMMISSION ON THE RESPONSIBILITY OF THE AUTHORS OF THE WAR AND ON ENFORCEMENT OF PENALTIES

CHAPTER I

RESPONSIBILITY OF THE AUTHORS OF THE WAR

On the question of the responsibility of the authors of the war, the Commission, after having examined a number of official documents relating to the origin of the world war, and to the violations of neutrality and of frontiers which accompanied its inception, has determined that the responsibility for it lies wholly upon the Powers which declared war in pursuance of a policy of aggression, the concealment of which gives to the origin of this war the character of a dark conspiracy against the peace of Europe.

This responsibility rests first on Germany and Austria, secondly on Turkey and Bulgaria. The responsibility is made all the graver by reason of the violation by Germany and Austria of the neutrality of Belgium and Luxemburg, which they themselves had guaranteed. It is increased, with regard to both France and Serbia, by the violation of their frontiers before the declaration of war.

I.—Premeditation of the War.

A.—*Germany and Austria*

Many months before the crisis of 1914 the German Emperor had ceased to pose as the champion of peace. Naturally believing in the overwhelming superiority of his army, he openly showed his enmity towards France. General von Moltke said to the King of the Belgians: 'This time the matter must be settled.' In vain the King protested. The Emperor and his Chief of Staff remained no less fixed in their attitude.[1]

On the 28th June, 1914, occurred the assassination at Sarajevo of the heir-apparent of Austria. 'It is the act of a little group of madmen,' said Francis Joseph.[2] The act, committed as it was by a subject of Austria-Hungary on Austro-Hungarian territory, could in no wise compromise Serbia, which very correctly expressed its condolences[3] and stopped public rejoicings in Belgrade. If the Government of Vienna thought that there was any Serbian complicity, Serbia was ready[4] to seek out the guilty parties. But this attitude failed to satisfy Austria and still less Germany, who, after their first astonishment had passed, saw in this royal and national misfortune a pretext to initiate war.

[1] Yellow Book, M. Cambon to M. Pichon, 22nd November, 1913.
[2] Message to his people.
[3] Serbian Blue Book, page 30.
[4] Yellow Book, No. 15, M. Cambon to M. Bienvenu Martin, 21st July, 1914.

At Potsdam a 'decisive consultation' took place on the 5th July, 1914.[1] Vienna and Berlin decided upon this plan: "Vienna will send to Belgrade a very emphatic ultimatum with a very short limit of time.'[2]

The Bavarian Minister, von Lerchenfeld, said in a confidential despatch dated the 18th July, 1914, the facts stated in which have never been officially denied: 'It is clear that Serbia cannot accept the demands, which are inconsistent with the dignity of an independent State.'[3] Count Lerchenfeld reveals in this report that, at the time it was made, the ultimatum to Serbia had been jointly decided upon by the Governments of Berlin and Vienna; that they were waiting to send it until President Poincaré and M. Viviani should have left for St. Petersburg; and that no illusions were cherished, either at Berlin or Vienna, as to the consequences which this threatening measure would involve. It was perfectly well known that war would be the result.

The Bavarian Minister explains, moreover, that the only fear of the Berlin Government was that Austria-Hungary might hesitate and draw back at the last minute, and that on the other hand Serbia, on the advice of France and Great Britain, might yield to the pressure put upon her. Now, 'the Berlin Government considers that war is necessary.' Therefore, it gave full powers to Count Berchtold, who instructed the Ballplatz on the 18th July, 1914, to negotiate with Bulgaria to induce her to enter into an alliance and to participate in the war.

In order to mask this understanding, it was arranged that the Emperor should go for a cruise in the North Sea, and that the Prussian Minister of War should go for a holiday, so that the Imperial Government might pretend that events had taken it completely by surprise.

Austria suddenly sent Serbia an ultimatum that she had carefully prepared in such a way as to make it impossible to accept. Nobody could be deceived; 'the whole world understands that this ultimatum means war.'[1] According to M. Sazonof, 'Austria-Hungary wanted to devour Serbia.'[4]

M. Sazonof asked Vienna for an extension of the short time limit of forty-eight hours given by Austria to Serbia for the most serious decision in its history.[5] Vienna refused the demand. On the 24th and 25th July England and France multiplied their efforts to persuade Serbia to satisfy the Austro-Hungarian demands. Russia threw in her weight on the side of conciliation.[6]

Contrary to the expectation of Austria-Hungary and Germany, Serbia yielded. She agreed to all the requirements of the ultimatum, subject to the single reservation that, in the judicial enquiry which she would commence for the purpose of seeking out the guilty parties, the participation of Austrian officials would be kept within the limits assigned by international law. 'If the Austro-Hungarian Government is not satisfied with this,' Serbia declared she was ready 'to submit to the decision of the Hague Tribunal.'[7]

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[1] Lichnowsky Memoir.
[2] Dr. Muehlon's Memoir.
[3] Report of the 18th July, 1914.
[4] Austro-Hungarian Red Book, No. 16.
[5] Blue Book, No. 26.
[6] Yellow Book, No. 36; Blue Book, Nos. 12, 46, 55, 65, 94, 118.
[7] Yellow Book, No. 46.

A quarter of an hour before the expiration of the time limit, at 5.45 on the 25th, M. Pachich, the Serbian Minister of Foreign Affairs, delivered this reply to Baron Geisl, the Austro-Hungarian Minister. On M. Pachich' return to his own office he found awaiting him a letter from Baron Geisl saying that he was not satisfied with the reply. At 6.30 the latter had left Belgrade, and even before he had arrived at Vienna, the Austro-Hungarian Government had handed his passports to M. Yovanovitch, the Serbian Minister, and had prepared thirty-three mobilisation proclamations, which were published on the following morning in the 'Budapesti Kozlöni,' the official gazette of the Hungarian Government. On the 27th Sir Maurice de Bunsen telegraphed to Sir Edward Grey: 'This country has gone wild with joy at the prospect of war with Serbia.' [1] At midday on the 28th Austria declared war on Serbia. On the 29th the Austrian Army commenced the bombardment of Belgrade, and made its dispositions to cross the frontier.

The reiterated suggestions of the *Entente* Powers with a view to finding a peaceful solution of the dispute only produced evasive replies on the part of Berlin or promises of intervention with the Government of Vienna without any effectual steps being taken.

On the 24th of July Russia and England asked that the Powers should be granted a reasonable delay in which to work in concert for the maintenance of peace. Germany did not join in this request.[2]

On the 25th July Sir Edward Grey proposed mediation by four Powers (England, France, Italy and Germany). France [3] and Italy [4] immediately gave their concurrence. Germany [5] refused, alleging that it was not a question of mediation but of arbitration, as the Conference of the four Powers was called to make proposals, not to decide.

On the 26th July Russia proposed to negotiate directly with Austria. Austria refused.[6]

On the 27th July England proposed a European Conference. Germany refused.[7]

On the 29th July Sir Edward Grey asked the Wilhelmstrasse to be good enough to 'suggest any method by which the influence of the four Powers could be used together to prevent a war between Austria and Russia.' [8] She was asked herself to say what she desired.[9] Her reply was evasive.[10]

On the same day, the 29th July, the Czar Nicholas II despatched to the Emperor William II a telegram suggesting that the Austro-Serbian problem should be submitted to the Hague Tribunal. This suggestion received no reply. This important telegram does not appear in the German White Book. It was made public by the Petrograd 'Official Gazette' (January 1915).

The Bavarian Legation, in a report dated the 31st July, declared its conviction that the efforts of Sir Edward Grey to preserve peace would not hinder the march of events.[11]

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[1] Blue Book, No. 41.
[2] Russian Orange Book, No. 4, Yellow Book, No. 43.
[3] Yellow Book, No. 70.
[4] Yellow Book, No. 72, Blue Book, No. 49.
[5] Blue Book, No. 43.
[6] Yellow Book, No. 54.
[7] Yellow Book, Nos. 68 and 73.
[8] Yellow Book, No. 97. Blue Book, No. 84.
[9] Blue Book, No. 111.
[10] Yellow Book, 97, 98 and 109.
[11] Second Report of Count Lerchenfeld, Bavarian Plenipotentiary at Berlin, published on the instructions of Kurt Eisner.

As early as the 21st July German mobilisation had commenced by the recall of a certain number of classes of the reserve,[1] then of German officers in Switzerland,[2] and finally of the Metz garrison on the 25th July.[3] On the 26th July the German fleet was called back from Norway.[4]

The *Entente* did not relax its conciliatory efforts, but the German Government systematically brought all its attempts to nought. When Austria consented for the first time on the 31st July to discuss the contents of the Serbian Note with the Russian Government and the Austro-Hungarian Ambassador received orders to 'converse' with the Russian Minister of Foreign Affairs,[5] Germany made any negotiation impossible by sending her ultimatum to Russia. Prince Lichnowsky wrote that 'a hint from Berlin would have been enough to decide Count Berchtold to content himself with a diplomatic success and to declare that he was satisfied with the Serbian reply, but this hint was not given. On the contrary they went forward towards war.'[6]

On the 1st August the German Emperor addressed a telegram to the King of England[7] containing the following sentence: 'The troops on my frontier are, at this moment, being kept back by telegraphic and telephonic orders from crossing the French frontier.'

Now, war was not declared till two days after that date, and as the German mobilisation orders were issued on that same day, the 1st August, it follows that, as a matter of fact, the German army had been mobilised and concentrated in pursuance of previous orders.

The attitude of the *Entente* nevertheless remained still to the very end so conciliatory that, at the very time at which the German fleet was bombarding Libau, Nicholas II gave his word of honour to William II that Russia would not undertake any aggressive action during the pourparlers,[8] and that when the German troops commenced their march across the French frontier M. Viviani telegraphed to all the French Ambassadors 'we must not stop working for accommodation.'

On the 3rd August von Schoen went to the Quai d'Orsay with the declaration of war against France. Lacking a real cause of complaint, Germany alleged in her declaration of war, that bombs had been dropped by French aeroplanes in various districts in Germany. This statement was entirely false. Moreover, it was either later admitted to be so[9] or no particulars were ever furnished by the German Government.

Moreover, in order to be manifestly above reproach, France was careful to withdraw her troops 10 kilom. from the German frontier. Notwithstanding this precaution, numerous officially established violations of French territory preceded the declaration of war.[10]

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[1] Yellow Book, No. 15.
[2] Yellow Book, No. 60.
[3] Yellow Book, No. 106.
[4] Yellow Book, No. 58.
[5] Blue Book, No. 133, Red Book, No. 55.
[6] Lichnowsky Memoir, p. 1.
[7] White Book, Anlage 32; Yellow Book, Annex II *bis*, No. 2.
[8] Telegram from Nicholas II to William II. Yellow Book No. 6, Annex V.
[9] Statement of the Municipality of Nuremburg, dated the 3rd April, 1916.
[10] Patrols of various strengths crossed the French frontier at fifteen points, one on the 30th July at Xures, eight on the 2nd August, and the others on the 3rd August, before war was declared. The French troops lost one killed and several wounded. The enemy left on French territory four killed, one of whom was an officer, and seven prisoners. At Suarce, on the 2nd August, the enemy carried off nine inhabitants, twenty-five horses, and thirteen carriages. Four incursions by German dirigibles took place between the 25th July and the 1st August. Finally, German aeroplanes flew over Lunéville on the 3rd August, before the declaration of war, and dropped six bombs. (Yellow Book, Nos. 106, 136, 139 &c.)

The provocation was so flagrant that Italy, herself a member of the Triple Alliance, did not hesitate to declare that in view of the aggressive character of the war the *casus fœderis* ceased to apply.[1]

B.—*Turkey and Bulgaria*

The conflict was, however, destined to become more widespread, and Germany and Austria were joined by allies.

Since the Balkan war the Young Turk Government had been drawing nearer and nearer Germany, whilst Germany on her part had constantly been extending her activities at Constantinople.

A few months before war broke out, Turkey handed over the command of her military and naval forces to the German General Liman von Sanders and the German Admiral Souchon.

In August, 1914, the former, acting under orders from the General Headquarters at Berlin, caused the Turkish Army to begin mobilizing.[2]

Finally, on the 4th August, the understanding between Turkey and Germany was definitely formulated in an alliance.[3] The consequence was that when the 'Goeben' and the 'Breslau' took refuge in the Bosphorus, Turkey closed the Dardanelles against the *Entente* squadrons and war followed.

On the 14th October, 1915, Bulgaria declared war on Serbia, which country had been at war with Austria since the 28th July, 1914, and had been attacked on all fronts by a large Austro-German army since the 6th October, 1915. Serbia had, however, committed no act of provocation against Bulgaria.

Serbia never formulated any claim against Bulgaria during the negotiations which took place between the *Entente* Powers and Bulgaria prior to the latter's entry into the war. On the contrary, she was offering herself ready to make certain territorial concessions to Bulgaria in order to second the efforts of the *Entente* Powers to induce Bulgaria to join them. According to Count Lerchenfeld's reports, however, Bulgaria had begun negotiations with the Central Powers as early as the 18th July, 1914, with a view to entering the war on their side. In April, 1915, the Bulgars made an armed attack against Serbia near Valandovo and Struvmitza, where a real battle was fought on Serbian territory. Being defeated, the Bulgars retired, ascribing this act of aggression to some comitadjis. An International Commission (composed of representatives of the *Entente*) discovered, however, that there had been Bulgarian regular officers and soldiers among the dead and the prisoners.[4]

On the 6th September, 1915, Bulgaria and Austria-Hungary concluded a treaty which recited that they had agreed to undertake common military action against Serbia and by which Austria-Hungary guaranteed to Bulgaria certain accretions of territory at Serbia's expense, and also agreed, jointly with Germany, to make to the Bulgarian Government a war loan of 200,000,000 fr., to be increased if the war lasted more than four months.[5] Even after this, M. Malinoff, one of the former Prime Ministers of Bulgaria,

[1] Yellow Book, No. 124.
[2] H. Morganthau, 'Secrets of the Bosphorus,' London, 1918, pp. 39, 40.
[3] German White Book, 1913, 1917, Nos. 19 and 20.
[4] Memorandum I of the Serbian Delegation, Chapter II, para. c.
[5] Treaty between Bulgaria and Austria-Hungary, dated the 24th August, 1915 (furnished by the Serbian gation).

took part in negotiations with the *Entente*, and, while these negotiations were continuing, Bulgaria, on the 23rd September, mobilised, ostensibly to defend her neutrality.

No sooner had the army been mobilised and concentrated and Bulgarian forces massed on the whole length of the Serbian frontier, than the Bulgarian Government openly and categorically repudiated M. Malinoff, stating that he was in no way qualified to commit Bulgaria, and that he deserved 'to be subjected to the utmost rigour of his country's laws for his conduct on that occasion.' Some days later, Austro-German troops crossed the Danube and began to invade Serbia.

As soon as the Serbian troops began to retire, the Bulgars, on the pretext that the former had violated their frontier, launched the attack which eventually led to the complete subjugation of Serbia.

Two documents in the possession of the Serbian Government prove that this incident on the frontier was 'arranged' and represented as a Serbian provocation. On the 10th October, 1915, the Secretary-General to the Foreign Office at Sofia, at the request of the Bulgarian Minister for Foreign Affairs, sent the following communication to Count Tarnovski, Austro-Hungarian Minister at Sofia:—'In order to divest the attack on Serbia of the appearance of a preconceived plot, we shall, this evening or to-morrow morning, provoke a frontier incident in some uninhabited region.' [1] Also, on the 12th October, 1915, Count Tarnovski sent the following telegram to Vienna:—'The Generalissimo informs me that the desired incident on the Serbian frontier was arranged yesterday.' [2]

Bulgaria, in fact, first attacked on the 12th October, 1915, two days before the declaration of war on Serbia, which took place on the 14th October, 1915. That this was the case does not prevent Bulgaria from asserting that the Serbs first crossed her frontier.

The above sequence of events proves that Bulgaria had premeditated war against Serbia, and perfidiously brought it about.

By means of German agents Enver Pasha and Talaat Pasha had, since the spring of 1914, been aware of the Austro-German plan, *i. e.*, an attack by Austria against Serbia, the intervention by Germany against France, the passage through Belgium, the occupation of Paris in a fortnight, the closing of the Straits by Turkey, and the readiness of Bulgaria to take action.

The Sultan acknowledged this plot to one of his intimates. It was indeed nothing but a plot engineered by heads of four States against the independence of Serbia and the peace of Europe.[3]

CONCLUSIONS

1. **The war was premeditated by the Central Powers together with their Allies, Turkey and Bulgaria, and was the result of acts deliberately committed in order to make it unavoidable.**
2. **Germany, in agreement with Austria-Hungary, deliberately worked to defeat all the many conciliatory proposals made by the Entente Powers and their repeated efforts to avoid war.**

[1] Memorandum I of the Serbian Delegation, Chapter II, para. *c*.
[2] Memorandum of the Serbian Delegation, I. Chapter II, para. *c*.
[3] Basri, 'L'Orient débalkanisé,' Chapter II (Paris, 1919).

II.—Violation of the Neutrality of Belgium and Luxemburg

A.—*Belgium*

Germany is burdened by a specially heavy responsibility in respect of the violation of the neutrality of Belgium and Luxemburg. Article 1 of the Treaty of London of the 19th April, 1839, after declaring that Belgium should form a 'perpetually neutral State,' had placed this neutrality under the protection of Austria, France, Great Britain, Russia and Prussia. On the 9th August, 1870, Prussia had declared 'her fixed determination to respect Belgian neutrality.' On the 22nd July, 1870, Bismarck wrote to the Belgian Minister at Paris, 'This declaration is rendered superfluous by existing treaties.'

It may be of interest to recall that the attributes of neutrality were specifically defined by the fifth Hague Convention, of the 18th October, 1907. That Convention was declaratory of the law of nations, and contained these provisions—'The territory of neutral Powers is inviolable' (Article 1). 'Belligerents are forbidden to move troops or convoys, whether of munitions of war or of supplies, across the territory of a neutral Power' (Article 2). 'The fact of a neutral Power resisting, even by force, attempts against its neutrality cannot be regarded as a hostile act' (Article 10).

There can be no doubt of the binding force of the treaties which guaranteed the neutrality of Belgium. There is equally no doubt of Belgium's sincerity or of the sincerity of France in their recognition and respect of this neutrality.

On the 29th July, 1914, the day following the declaration of war by Austria-Hungary against Serbia, Belgium put her army on its reinforced peace strength, and so advised the Powers by which her neutrality was guaranteed and also Holland and Luxemburg.[1]

On the 31st July the French Minister at Brussels visited the Belgian Minister of Foreign Affairs to notify him of the state of war proclaimed in Germany and he spontaneously made the following statement: 'I seize this opportunity to declare that no incursion of French troops into Belgium will take place, even if considerable forces are massed upon the frontiers of your country. France does not wish to incur the responsibility, so far as Belgium is concerned, of taking the first hostile act. Instructions in this sense will be given to the French authorities.'[2]

On the 1st August, the Belgian Army was mobilised.[3]

On the 31st July, the British Government had asked the French and German Governments separately if they were each of them ready to respect the neutrality of Belgium, provided that no other Power violated it.[3] In notifying the Belgian Government on the same day of the action taken by the British Government, the British Minister added: 'In view of existing treaties, I am instructed to inform the Belgian Minister for Foreign Affairs of the above, and to say that Sir Edward Grey presumes that Belgium will do her utmost to maintain her neutrality, and that she desires and expects that the other Powers will respect and maintain it.'[4] The immediate and quite definite reply of the Belgian Minister of Foreign

[1] Grey Book I, No. 8.
[2] Grey Book I, No. 9.
[3] Grey Book I, No. 10.
[4] Grey Book I, No. 11.

Affairs was that Great Britain and the other nations guaranteeing Belgian independence could rest assured that she would neglect no effort to maintain her neutrality.[1]

On the same day, Paris and Berlin were officially asked the question to which reference was made in the British communication. At Paris the reply was categorical: 'The French Government are resolved to respect the neutrality of Belgium, and it would only be in the event of some other Power violating that neutrality that France might find herself under the necessity, in order to assure the defence of her own security, to act otherwise.' [2]

On the same day as this reply was made at Paris, the French Minister at Brussels made the following communication to M. Davignon, the Belgian Minister of Foreign Affairs:—'I am authorised to declare that, in the event of an international war, the French Government, in accordance with the declarations they have always made, will respect the neutrality of Belgium. In the event of this neutrality not being respected by another Power, the French Government, to secure their own defence, might find it necessary to modify their attitude.' [3]

It was decided that this communication should forthwith be made to the Belgian press.

Meanwhile the attitude of the German Government remained enigmatic. At Brussels the German Minister, Herr von Below, made efforts in his discussions to maintain confidence [4]; but at Berlin, in reply to the question which had been officially asked by the British Government, the Secretary of State informed the British Ambassador that 'he must consult the Emperor and the Chancellor before he could possibly answer.' [5]

On the 2nd August, in the course of the day, Herr von Below insisted to the Belgian Minister, M. Davignon, upon the feelings of security which Belgium had the right to entertain towards her eastern neighbour,[6] and on the same day, at 7 o'clock in the evening, he sent him a "very confidential" note, which was nothing more than an ultimatum claiming free passage for German troops through Belgian territory.[7]

It was impossible to be under any delusion as to the purely imaginary character of the reason alleged by the German Government in support of its demand. It pretended that it had reliable information leaving "no doubt as to the intention of France to move through Belgian territory" against Germany, and consequently had notified its decision to direct its forces to enter Belgium.[8]

The facts themselves supply the answer to the German allegation that France intended to violate Belgian neutrality. According to the French plan of mobilisation, the French forces were being concentrated at that very moment on the German frontier, and it was necessary, by reason of the situation created by the German violation of Belgian territory, to modify the arrangements for their transport.

In the meantime, at 7 o'clock in the morning of the 3rd August, at the expiration of the time limit fixed by the ultimatum, Belgium

[1] Grey Book I, No. 11.
[2] Blue Book, No. 125.
[3] Grey Book I, No. 15.
[4] Grey Book I, No. 19.
[5] Blue Book, No. 122.
[6] Grey Book I, No. 19.
[7] Grey Book I, No. 20.
[8] Grey Book I, No. 20.

had sent her reply to the German Minister. Affected neither by Germany's promises nor her threats, the Belgian Government boldly declared that an attack upon Belgian independence would constitute a flagrant violation of international law. "No strategic interest justifies such a violation of law. The Belgian Government, if they were to accept the proposals submitted to them, would sacrifice the honour of the nation and betray their duty towards Europe." In conclusion, the Belgian Government declared that they were "firmly resolved to repel by all the means in their power every attack upon their rights." [1]

Even on the 3rd August, Belgium refused to appeal to the guarantee of the Powers until there was an actual violation of territory.[2] It was only on the 4th August, after German troops had entered Belgian territory, that the Belgian Government sent his passports to Herr von Below,[3] and it then appealed to Great Britain, France and Russia to cooperate as guaranteeing Powers in the defence of her territory.[4]

At this point it may be recalled that the pretext invoked by Germany in justification of the violation of Belgian neutrality, and the invasion of Belgian territory, seemed to the German Government itself of so little weight, that in Sir Edward Goschen's conversations with the German Chancellor, von Bethmann Hollweg, and with von Jagow, the Secretary of State, it was not a question of aggressive French intentions, but a 'matter of life and death to Germany to advance through Belgium and violate the latter's neutrality,' and of 'a scrap of paper.' [5] Further, in his speech on the 4th August, the German Chancellor made his well-known avowal: 'Necessity knows no law. Our troops have occupied Luxemburg, and perhaps have already entered Belgian territory. Gentlemen, that is a breach of international law. . . . We have been obliged to refuse to pay attention to the justifiable protests of Belgium and Luxemberg. The wrong—I speak openly—the wrong we are thereby committing we will try to make good as soon as our military aims have been attained. He who is menaced, as we are, and is fighting for his all can only consider how he is to hack his way through.' To this avowal of the German Chancellor there is added the overwhelming testimony of Count von Lerchenfeld, who stated in a report of the 4th August, 1914, that the German General Staff considered it 'necessary to cross Belgium: France can only be successfully attacked from that side. At the risk of bringing about the intervention of England, Germany cannot respect Belgian neutrality.' [6]

As for the Austrian Government, it waited until the 28th August to declare war against Belgium,[7] but as early as the middle of the month 'the motor batteries sent by Austria have proved their excellence in the battles around Namur,'[8] as appears from a proclamation of the German general who at the time was in command of the fortress of Liége, which German troops had seized. Consequently, the par-

[1] Grey Book I, No. 22.
[2] Grey Book I, No. 24.
[3] Grey Book I, No. 30.
[4] Grey Book I, No. 42.
[5] Blue Book, No. 160.
[6] Stenographische Berichte über die Verhandlungen des Reichstags, Dienstag, 4 August, 1914. See also E. Mühler, 'Des Weltkriegen und das Völkerrecht,' Berlin, G. Reimer, 1915, pp. 24 *et seq.*
[7] Grey Book I, No. 77.
[8] Grey Book II, No. 104.

ticipation of Austria-Hungary in the violation of Belgian neutrality is aggravated by the fact that she took part in that violation without any previous declaration of war.

B.—*Luxemburg*

The neutrality of Luxemburg was guaranteed by Article 2 of the Treaty of London, 11th May, 1867, Prussia and Austria-Hungary being two of the guarantor Powers. On the 2nd August, 1914, German troops penetrated the territory of the Grand Duchy. Mr. Eyschen, Minister of State of Luxemburg, immediately made an energetic protest.[1]

The German Government alleged 'that military measures had become inevitable, because trustworthy news had been received that French forces were marching on Luxemburg.' This allegation was at once refuted by Mr. Eyschen.[2]

CONCLUSION

The neutrality of Belgium, guaranteed by the Treaties of the 19th April, 1839, and that of Luxemburg, guaranteed by the Treaty of the 11th May, 1867, were deliberately violated by Germany and Austria-Hungary.

CHAPTER II.

VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR

On the second point submitted by the Conference, *the facts as to breaches of the laws and customs of war committed by the forces of the German Empire and their allies on land, on sea, and in the air, during the present war*, the Commission has considered a large number of documents. The Report of the British Commission drawn up by Lord Bryce, the labours of the French Commission presided over by M. Payelle, the numerous publications of the Belgian Government, the Memorandum submitted by the Belgian Delegation, the Memorandum of the Greek Delegation, the documents lodged by the Italian Government, the formal denunciation by the Greeks at the Conference of the crimes committed against Greek populations by the Bulgars, Turks and Greeks, the Memorandum of the Serbian Delegation, the Report of the Inter-Allied Commission on the violations of the Hague Conventions and of international law in general, committed between 1915 and 1918 by the Bulgars in occupied Serbia, the summary of the Polish Delegation, together with the Roumanian and Armenian Memoranda, supply abundant evidence of outrages of every description committed on land, at sea, and in the air, against the laws and customs of war and of the laws of humanity.

In spite of the explicit regulations, of established customs, and of the clear dictates of humanity, Germany and her allies have piled outrage upon outrage. Additions are daily and continually being

[1] Yellow Book, No. 131.
[2] Telegram to the German Ministry of Foreign Affairs, the 2nd August, 1914.

made. By way of illustration a certain number of examples have been collected in Annex I. It is impossible to imagine a list of cases so diverse and so painful. Violations of the rights of combatants, of the rights of civilians, and of the rights of both, are multiplied in this list of the most cruel practices which primitive barbarism, aided by all the resources of modern science, could devise for the execution of a system of terrorism carefully planned and carried out to the end. Not even prisoners, or wounded, or women, or children have been respected by belligerents who deliberately sought to strike terror into every heart for the purpose of repressing all resistance. Murders and massacres, tortures, shields formed of living human beings, collective penalties, the arrest and execution of hostages, the requisitioning of services for military purposes, the arbitrary destruction of public and private property, the aerial bombardment of open towns without there being any regular siege, the destruction of merchant ships without previous visit and without any precautions for the safety of passengers and crew, the massacre of prisoners, attacks on hospital ships, the poisoning of springs and of wells, outrages and profanations without regard for religion or the honour of individuals, the issue of counterfeit money reported by the Polish Government, the methodical and deliberate destruction of industries with no other object than to promote German economic supremacy after the war, constitute the most striking list of crimes that has ever been drawn up to the eternal shame of those who committed them. The facts are established. They are numerous and so vouched for that they admit of no doubt and cry for justice. The Commission, impressed by their number and gravity, thinks there are good grounds for the constitution of a special Commission, to collect and classify all outstanding information for the purpose of preparing a complete list of the charges under the following heads:—

The following is the list arrived at:—

(1.) Murders and massacres; systematic terrorism.
(2.) Putting hostages to death.
(3.) Torture of civilians.
(4.) Deliberate starvation of civilians.
(5.) Rape.
(6.) Abduction of girls and women for the purpose of enforced prostitution.
(7.) Deportation of civilians.
(8.) Internment of civilians under inhuman conditions.
(9.) Forced labour of civilians in connection with the military operations of the enemy.
(10.) Usurpation of sovereignty during military occupation.
(11.) Compulsory enlistment of soldiers among the inhabitants of occupied territory.
(12.) Attempts to denationalise the inhabitants of occupied territory.
(13.) Pillage.
(14.) Confiscation of property.
(15.) Exaction of illegitimate or of exorbitant contributions and requisitions.
(16.) Debasement of the currency, and issue of spurious currency.

(17.) Imposition of collective penalties.
(18.) Wanton devastation and destruction of property.
(19.) Deliberate bombardment of undefended places.
(20.) Wanton destruction of religious, charitable, educational, and historic buildings and monuments.
(21.) Destruction of merchant ships and passenger vessels without warning and without provision for the safety of passengers or crew.

(22.) Destruction of fishing boats and of relief ships.
(23.) Deliberate bombardment of hospitals.
(24.) Attack on and destruction of hospital ships.
(25.) Breach of other rules relating to the Red Cross.
(26.) Use of deleterious and asphyxiating gases.
(27.) Use of explosive or expanding bullets, and other inhuman appliances.
(28.) Directions to give no quarter.
(29.) Ill-treatment of wounded and prisoners of war.
(30.) Employment of prisoners of war on unauthorised works.
(31.) Misuse of flags of truce.
(32.) Poisoning of wells.

The Commission desires to draw attention to the fact that the offences enumerated and the particulars given in Annex I are not regarded as complete and exhaustive; to these such additions can from time to time be made as may seem necessary.

CONCLUSIONS

1. The war was carried on by the Central Empires together with their allies, Turkey and Bulgaria, by barbarous or illegitimate methods in violation of the established laws and customs of war and the elementary laws of humanity.

2. A Commission should be created for the purpose of collecting and classifying systematically all the information already had or to be obtained, in order to prepare as complete a list of facts as possible concerning the violation of the laws and customs of war committed by the forces of the German Empire and its Allies, on land, on sea and in the air, in the course of the present war.

CHAPTER III

PERSONAL RESPONSIBILITY

The third point submitted by the Conference is thus stated:—

The degree of responsibility for these offences attaching to particular members of the enemy forces, including members of the General Staffs and other individuals, however highly placed.

For the purpose of dealing with this point, it is not necessary to wait for proof attaching guilt to particular individuals. It is quite clear from the information now before the Commission that there are grave charges which must be brought and investigated by a Court against a number of persons.

In these circumstances, the Commission desire to state expressly that in the hierarchy of persons in authority, there is no reason why rank, however exalted, should in any circumstances protect the holder of it from responsibility when that responsibility has been established before a properly constituted tribunal. This extends even to the case of Heads of States. An argument has been raised to the contrary based upon the alleged immunity, and in particular the alleged inviolability, of a Sovereign of a State. But this privilege, where it is recognised, is one of practical expedience in municipal law, and is not fundamental. However, even if, in some countries, a Sovereign is exempt from being prosecuted in a national court of his own country the position from an international point of view is quite different.

We have later on in our Report proposed the establishment of a High Tribunal composed of judges drawn from many nations, and included the possibility of the trial before that Tribunal of a former Head of a State with the consent of that State itself secured by articles in the Treaty of Peace. If the immunity of a Sovereign is claimed to extend beyond the limits above stated, it would involve laying down the principle that the greatest outrages against the laws and customs of war and the laws of humanity, if proved against him, could in no circumstances be punished. Such a conclusion would shock the conscience of civilized mankind.

In view of the grave charges which may be preferred against—to take one case—the ex-Kaiser—the vindication of the principles of the laws and customs of war and the laws of humanity which have been violated would be incomplete if he were not brought to trial and if other offenders less highly placed were punished. Moreover, the trial of the offenders might be seriously prejudiced if they attempted and were able to plead the superior orders of a Sovereign against whom no steps had been or were being taken.

There is little doubt that the ex-Kaiser and others in high authority were cognisant of and could at least have mitigated the barbarities committed during the course of the war. A word from them would have brought about a different method in the action of their subordinates on land, at sea and in the air.

We desire to say that civil and military authorities cannot be relieved from responsibility by the mere fact that a higher authority might have been convicted of the same offence. It will be for the Court to decide whether a plea of superior orders is sufficient to acquit the person charged from responsibility.

CONCLUSION

All persons belonging to enemy countries, however high their position may have been, without distinction of rank, including Chiefs of States, who have been guilty of offences against the laws and customs of war or the laws of humanity, are liable to criminal prosecution.

CHAPTER IV

CONSTITUTION AND PROCEDURE OF AN APPROPRIATE TRIBUNAL

The fourth point submitted to the Commission is stated as follows:—*The Constitution and Procedure of a Tribunal appropriate for the Trial of these Offences* (crimes relating to the war).

On this question the Commission is of opinion that, having regard to the multiplicity of crimes committed by those Powers which a short time before had on two occasions at the Hague protested their reverence for right and their respect for the principles of humanity,[1] the public conscience insists upon a sanction which will put clearly in the light that it is not permitted cynically to profess a disdain for the most sacred laws and the most formal undertakings.

Two classes of culpable acts present themselves:—

(*a.*) Acts which provoked the world war and accompanied its inception.

(*b.*) Violations of the laws and customs of war and the laws of humanity.

(a.) *Acts which Provoked the War and Accompanied its Inception*

In this class the Commission has considered acts not strictly war crimes, but acts which provoked the war or accompanied its inception, such, to take outstanding examples, as the invasion of Luxemburg and Belgium.

The premeditation of a war of aggression, dissimulated under a peaceful pretence, then suddenly declared under false pretexts, is conduct which the public conscience reproves and which history will condemn, but by reason of the purely optional character of the Institutions at The Hague for the maintenance of peace (International Commission of Enquiry, Mediation and Arbitration) a war of aggression may not be considered as an act directly contrary to positive law, or one which can be successfully brought before a tribunal such as the Commission is authorised to consider under its Terms of Reference.

Further, any enquiry into the authorship of the war must, to be exhaustive, extend over events that have happened during many years in different European countries, and must raise many difficult and complex problems which might be more fitly investigated by historians and statesmen than by a tribunal appropriate to the trial of offenders against the laws and customs of war. The need of prompt action is from this point of view important. Any tribunal appropriate to deal with the other offences to which reference is made might hardly be a good court to discuss and deal decisively with such a subject as the authorship of the war. The proceedings and discussions, charges and counter-charges, if adequately and dispassionately examined, might consume much time, and the result might conceivably confuse the simpler issues into which the tribunal will be charged to enquire. While this prolonged investiga-

[1] See the declaration of Baron Marschall von Bieberstein, who, speaking at the Hague Conference of 1907 with regard to submarine mines, used the following expressions:—'Military operations are not governed solely by stipulations of international law. There are other factors. Conscience, good sense, and the sense of duty imposed by the principles of humanity will be the surest guides for the conduct of sailors, and will constitute the most effective guarantee against abuses. The officers of the German Navy, I loudly proclaim it, will always fulfil in the strictest fashion the duties which emanate from the unwritten law of humanity and civilisation.'

tion was proceeding some witnesses might disappear, the recollection of others would become fainter and less trustworthy, offenders might escape, and the moral effect of tardily imposed punishment would be much less salutary than if punishment were inflicted while the memory of the wrongs done was still fresh and the demand for punishment was insistent.

We therefore do not advise that the acts which provoked the war should be charged against their authors and made the subject of proceedings before a tribunal.

There can be no doubt that the invasion of Luxemburg by the Germans was a violation of the Treaty of London of 1867, and also that the invasion of Belgium was a violation of the Treaties of 1839. These Treaties secured neutrality for Luxemburg and Belgium, and in that term were included freedom, independence and security for the population living in those countries. They were contracts made between the High Contracting Parties to them, and involved an obligation which is recognised in international law.

The Treaty of 1839 with regard to Belgium and that of 1867 with regard to Luxemburg were deliberatedly violated, not by some outside Power, but by one of the very Powers which had undertaken not merely to respect their neutrality, but to compel its observance by any other Power which might attack it. The neglect of its duty by the guarantor adds to the gravity of the failure to fulfil the undertaking given. It was the transformation of a security into a peril, of a defence into an attack, of a protection into an assault. It constitutes, moreover, the absolute denial of the independence of States too weak to interpose a serious resistance, an assault upon the life of a nation which resists, an assault against its very existence while, before the resistance was made, the aggressor, in the guise of tempter, offered material compensations in return for the sacrifice of honour. The violation of international law was thus an aggravation of the attack upon the independence of States which is the fundamental principle of international right.

And thus a high-handed outrage was committed upon international engagements, deliberately, and for a purpose which cannot justify the conduct of those who were responsible.

The Commission is nevertheless of opinion that no criminal charge can be made against the responsible authorities or individuals (and notably the ex-Kaiser) on the special head of these breaches of neutrality, but the gravity of these gross outrages upon the law of nations and international good faith is such that the Commission thinks they should be the subject of a formal condemnation by the Conference.

CONCLUSIONS

1. The acts which brought about the war should not be charged against their authors or made the subject of proceedings before a tribunal.

2. On the special head of the breaches of the neutrality of Luxemburg and Belgium, the gravity of these outrages upon the principles of the law of nations and upon international good faith is such that they should be made the subject of a formal condemnation by the Conference.

3. On the whole case, including both the acts which brought about the war and those which accompanied its inception, particularly the violation of the neutrality of Belgium and Luxemburg, it would be right for the Peace Conference, in a matter so unprecedented, to adopt special measures, and even to create a special organ in order to deal as they deserve with the authors of such acts.

4. It is desirable that for the future penal sanctions should be provided for such grave outrages against the elementary principles of international law.

(b.) *Violations of the Laws and Customs of War and of the Laws of Humanity*

Every belligerent has, according to international law, the power and authority to try the individuals alleged to be guilty of the crimes of which an enumeration has been given in Chapter II. on Violations of the Laws and Customs of War, if such persons have been taken prisoners or have otherwise fallen into its power. Each belligerent has, or has power to set up, pursuant to its own legislation, an appropriate tribunal, military or civil, for the trial of such cases. These courts would be able to try the incriminated persons according to their own procedure, and much complication and consequent delay would be avoided which would arise if all such cases were to be brought before a single tribunal.

There remain, however, a number of charges:—

(*a.*) Against persons belonging to enemy countries who have committed outrages against a number of civilians and soldiers of several Allied nations, such as outrages committed in prison camps where prisoners of war of several nations were congregated or the crime of forced labour in mines where prisoners of more than one nationality were forced to work;

(*b.*) Against persons of authority, belonging to enemy countries, whose orders were executed not only in one area or on one battle front, but whose orders affected the conduct of operations against several of the Allied armies;

(*c.*) Against all authorities, civil or military, belonging to enemy countries, however high their position may have been, without distinction of rank, including the heads of States, who ordered, or, with knowledge thereof and with power to intervene, abstained from preventing or taking measures to prevent, putting an end to or repressing, violations of the laws or customs of war (it being understood that no such abstention should constitute a defence for the actual perpetrators);

(*d.*) Against such other persons belonging to enemy countries as, having regard to the character of the offence or the law of any belligerent country, it may be considered advisable not to proceed before a court other than the High Tribunal hereafter referred to.

For the trial of outrages falling under these four categories the Commission is of opinion that a High Tribunal is essential and should be established according to the following plan:—

(1.) It shall be composed of three persons appointed by each of the following Governments:—The United States of America, the British Empire, France, Italy and Japan, and one person appointed by each of the following Governments: Belgium,

Greece, Poland, Portugal, Roumania, Serbia, and Czecho-Slovakia. The members shall be selected by each country from among the members of their national courts or tribunals, civil or military, and now in existence or erected as indicated above.

(2.) The tribunal shall have power to appoint experts to assist it in the trial of any particular case or class of cases.

(3.) The law to be applied by the tribunal shall be 'the principles of the law of nations as they result from the usages established among civilised peoples, from the laws of humanity and from the dictates of public conscience.'

(4.) When the accused is found by the tribunal to be guilty, the tribunal shall have the power to sentence him to such punishment or punishments as may be imposed for such an offence or offences by any court in any country represented on the tribunal or in the country of the convicted person.

(5.) The tribunal shall determine its own procedure. It shall have power to sit in divisions of not less than five members and to request any national court to assume jurisdiction for the purpose of enquiry or for trial and judgment.

(6.) The duty of selecting the cases for trial before the tribunal and of directing and conducting prosecutions before it shall be imposed upon a Prosecuting Commission of five members, of whom one shall be appointed by the Governments of the United States of America, the British Empire, France, Italy and Japan, and for the assistance of which any other Government may delegate a representative.

(7.) Applications by any Allied or Associated Government for the trial before the tribunal of any offender who has not been delivered up or who is at the disposition of some other Allied or Associated Government shall be addressed to the Prosecuting Commission, and a national court shall not proceed with the trial of any person who is selected for trial before the tribunal, but shall permit such person to be dealt with as directed by the Prosecuting Commission.

(8.) No person shall be liable to be tried by a national court for an offence in respect of which charges have been preferred before the tribunal, but no trial or sentence by a court of an enemy country shall bar trial and sentence by the tribunal or by a national court belonging to one of the Allied or Associated States.

CONCLUSIONS

The Commission has consequently the honour to recommend:—

1. That a High Tribunal be constituted as above set out.

2. That it shall be provided by the Treaty of Peace:—

(*a*.) That the enemy Governments shall, notwithstanding that Peace may have been declared, recognise the jurisdiction of the National Tribunals and the High Tribunal, that all enemy persons alleged to have been guilty of offences against the laws and customs of war and the laws of humanity shall be excluded from any amnesty to which the belligerents may agree, and that the Governments of such persons shall undertake to surrender them to be tried.

(*b.*) That the enemy Governments shall undertake to deliver up and give in such manner as may be determined thereby:—

(i.) The names of all persons in command or charge of or in any way exercising authority in or over all civilian internment camps, prisoner-of-war camps, branch camps, working camps and 'commandoes' and other places where prisoners were confined in any of their dominions or in territory at any time occupied by them, with respect to which such information is required, and all orders and instructions or copies of orders or instructions and reports in their possession or under their control relating to the administration and discipline of all such places in respect of which the supply of such documents as aforesaid shall be demanded;

(ii.) All orders, instructions, copies of orders and instructions, General Staff plans of campaign, proceedings in Naval or Military Courts and Courts of Enquiry, reports and other documents in their possession or under their control which relate to acts or operations, whether in their dominions or in territory at any time occupied by them, which shall be alleged to have been done or carried out in breach of the laws and customs of war and the laws of humanity;

(iii.) Such information as will indicate the persons who committed or were responsible for such acts or operations;

(iv.) All logs, charts, reports and other documents relating to operations by submarines;

(v.) All orders issued to submarines, with details or scope of operations by these vessels;

(vi.) Such reports and other documents as may be demanded relating to operations alleged to have been conducted by enemy ships and their crews during the war contrary to the laws and customs of war and the laws of humanity.

3. That each Allied and Associated Government adopt such legislation as may be necessary to support the jurisdiction of the International Court, and to assure the carrying out of its sentences.

4. That the five States represented on the Prosecuting Commission shall jointly approach Neutral Governments with a view to obtaining the surrender for trial of persons within their territories who are charged by such States with violations of the laws and customs of war and the laws of humanity.

CHAPTER V.

COGNATE MATTERS

Finally, the Commission was asked to consider any other matters cognate or ancillary to the above which may arise in the course of the enquiry, and which the Commission finds it useful and relevant to take into consideration.

Under this head the Commission has considered it advisable to draft a set of provisions for insertion in the Preliminaries of Peace, for the assuring in practical form, in accordance with the recommendations at the end of the last chapter, the constitution, the recognition, and the mode of operation of the High Tribunal, and of the national tribunals which will be called to try infractions of the laws and customs of war or the laws of humanity.

The text of these provisions is set out in Annex IV.

March 29, 1919.

UNITED STATES OF AMERICA:—
Subject to the reservations set forth in the annexed Memorandum. (Annex II.)
ROBERT LANSING.
JAMES BROWN SCOTT.

BRITISH EMPIRE:—
ERNEST M. POLLOCK.
W. F. MASSEY.

FRANCE:—
A. TARDIEU.
F. LARNAUDE.

ITALY:—
V. SCIALOJA.
M. D'AMELIO.

JAPAN:—
Subject to the reservations set forth in the annexed Memorandum. (Annex III.)
M. ADATCI.
S. TACHI.

BELGIUM:—
ROLIN-JAEQUEMYNS.

GREECE:—
N. POLITIS.

POLAND:—
L. LUBIENSKI.

ROUMANIA:—
S. ROSENTAL.

SERBIA:—
SLOBODAN YOVANOVITCH.

COMMISSION ON THE RESPONSIBILITY OF THE AUTHORS OF THE WAR AND ON ENFORCEMENT OF PENALTIES

ANNEX I TO THE REPORT OF THE COMMISSION

(Report pp. 17, 18.)

Summary of Examples of Offences committed by the Authorities or Forces of the Central Empires and their Allies against the Laws and Customs of War and the Laws of Humanity.

[*Note.*—As has already been stated in the Report, this tabular analysis does not by any means purport to be exhaustive or complete. The object is simply to give a number of typical examples. The crimes imputable to the Central Empires and their allies run into thousands. The list under each of the heads given below could be very greatly extended.]

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Particulars.	Date.	Place.	Authors.	Reference.
BELGIUM.				
A group of 450 men were shot in front of the church	Aug. 22, 1914.	Tamines	German troops	11th Report of Belgian Commission of Enquiry, No. 2.
300 inhabitants were massacred	Aug. 20-21, 1914.	Andenne and Seilles	" "	" No. 3.
606 persons massacred. (The list of names is in our possession)	Aug. 1914	Dinant	" "	Grey Book, pp. 277-289; 2nd Report of Belgian Commission of Enquiry, p. 160.
The following is an extract from a proclamation addressed to the municipal authorities: "It was with my consent that the Commanding General ordered the whole place [Andenne] to be burnt down and that about 100 persons were shot." In reality more than 400 persons disappeared, of whom more than 200 were shot	Aug. 22, 1914.	Liège (Belgium)	A German General	6th Report of Belgian Commission of Enquiry, p. 80.
FRANCE				
Use of Civilians as shields to protect Germans against fire of Allied troops.				
At a sugar works the Germans took the manager and his family, as well as all the employees, and made them march parallel to them during the three hours that the engagement lasted, to protect themselves against flanking fire, which resulted in casualties among the exposed persons	Sept. 1, 1914	Néry (Oise)	German troops	1st Report of French Commission of Enquiry, Nos. 376-378.
Neglect of 150 to 200 paralysed and sick old people.				
40 of them died in three weeks, and all endured terrible sufferings. They received no attention or disinfectants, and were exposed to the cold. They were laid on wooden stretcher-beds in which their excrement accumulated, which, particularly in the case of those who were paralyzed, produced sores and gangrene	Between Feb. 20 and 24, 1917.	Babœuf (Oise)	" "	9th Report of French Commission of Enquiry, Nos. 129-133.
Shooting of Civilians.				
Some inhabitants of Verpillières, who had been arrested on the untenable pretext of having held telephone communication with the French army, were taken to Avricourt, where a War Council was being held. On appearing before the Court, twelve of them were marked with a blue cross on the right cheek. Information as to the subsequent fate of these prisoners is not forthcoming, save in the case of two, who were taken back to Verpillières and shot the same evenin	Beginning of Oct. 1914	Verpillières (Somme)	German troops	8th Report of French Commission of Enquiry, Nos. 120, 207, 208.

GREECE				
Great number of Greeks massacred by the Turks	July 1914—Dec. 1915	Smyrna, Aivali, Vourla, Adalia, Kirkilissé, Visa, Kessani, Adrianople, Euglezonissi.	Turkish authorities	Greek Memorandum, p. 11, Annex vi, pp. 34-38; vii, pp. 30-32.
Massacres of Armenians by the Turks systematically organized with German complicity More than 200,000 victims assinated, burned alive, or drowned in the lake of Van, the Euphrates or the Black Sea	1914-1918	Several Turkish Provinces and particularly the Armenian Vilayets	Turkish Government authorities, military and administrative. Turkish civilians. German authorities. (More than 50 names have been officially authenticated)	Memorandum of the Armenian Patriarchate of Constantinople addressed to the Ambassadors of France and Great Britain. Armenian Memorandum addressed to the Conference. Report of the American Relief Committee in favour of the Armenians and Syrians. The treatment of the Armenians in the Ottoman Empire (presented by Viscount Bryce). Various documents in the possession of the British Government. Dr. Martin Niepage's report, professor at the German Realschule of Aleppo; and Notes of a German traveller in Turkey during 1915. (Published by the Swiss Committee for the Relief of the Armenians)
POLAND				
Several hundred inhabitants shot	1914	Kalisz	German military authorities	Memorandum of Polish Delegation, p. 2.
Tens of thousands of civilians hanged	1914, 1915: especially during retreat of Austrian armies	Various places	German and Austrian authorities.	" p. 5.
SERBIA				
Especially priests, teachers, mayors, influential notables. Many thrown into prison never again seen; others led out of the town, on pretext of taking them to Bulgaria to be interned, but killed on the way. Others killed in their homes. Women, children, and the aged not spared. These acts done in a systematic manner. Corpses burnt, thrown into rivers, or left to dogs and pigs	Autumn, 1915	Serbia (Vrania); Macedonia (especially districts of Velès, Prilep, and Poretch)	Bulgarians	Rapport de la Commission Interalliée, pp. 7-9.
Massacres *en masse:* many thousands	Before insurrection of 1917.	E. Serbia (departments of Pojarevatz, Vrania, Toplitza)	Bulgarian military authorities, troops, and heads of comitadjis	" pp. 10-11. (And Annexes au Rapport.)
even priests shot	Feb. 24, 1916	Guillanhe	Bulgarian authority	" p. 51.
Executions *en masse*. In certain places as many as ten gallows set up together	1915-1918	N.W. Serbia (Jagodina, Palanka, Kronchevatz)	Austrian and German military authorities (aided by Albanian fanatics)	Report of Dr. Reiss.* Rapport de la Commission d'enquête serbe, p. 3.

Particulars.	Date.	Place.	Authors.	Reference.
GREECE				
Great number of Greeks murdered by the Bulgarians.....	Aug., 1916—Aug., 1918	Eastern Macedonia.....	Bulgarian authorities. (Many names known)	Greek Memorandum, p. 4.
Great number of Greek civilians murdered by the Turks.....	July, 1914—Dec., 1915	District of Mendessa (Asia Minor) Village of Skopo (Thrace)	Turkish officials and civilians	Ditto, Annex vi, pp. 29, 30; vii, pp. 58–60.

3.—TORTURE OF CIVILIANS.

BELGIUM				
By order of the German military authorities the Mayor of the town was compelled to put up the following notice: "One-third of the male population will be shot if any citizens fire on soldiers of the German Army."	Aug. 17, 1914.	Hasselt.....	German military authorities.	6th Report of Belgian Commission of Enquiry, No. 3.
300 inhabitants tied in fours to bridges to prevent the Belgian artillery from destroying them.	Aug. 6, 1914..	Liège.....	German troops.....	17th Report of Belgian Commission of Enquiry, pp. 54, 55. 15th Report, pp. 24, 25.
A German infantry captain put three children round him to protect him from Belgian fire, &c.	Sept. 26, 1914.	Klein-Antwerpen.....	" "	
FRANCE				
Arrest and Cruel Treatment of Civilians, causing the Death of several of them.				
The Abbé Oudin, Curé of the parish of Sompuis (Marne), was arrested owing to his having received a letter containing uncomplimentary remarks about the Germans. The Abbé Oudin (aged 73 and asthmatical) was taken off with his servant, a woman of 67, and other civilians. During the journey and their stay at Vouziers (from the 7th to the 14th), various kinds of cruel treatment were inflicted on them. On the 13th a number of soldiers (mostly officers) spat in the Curé's face, horse-whipped him, threw him into the air and let him fall on the ground, then proceeded to kick him with their boots and spurs. He died on the 15th at Sedan, as a result of this treatment. One of the civilians, who had also received numerous blows which broke several of his ribs, was left to die in the Fabert barracks. The aged servant was thrown down in the mud by soldiers, cruelly beaten and dragged by the hair. In the church four of them threw her on to the altar steps and then among the benches.	Sept. 7, 1914..	Sompuis (Marne).....	German officers and soldiers.	5th Report of French Commission of Enquiry. (Nos. 1 to 6.)

GREECE				
Great number of Greeks tortured by the Bulgarians	1916-1918	Eastern Macedonia, and many concentration camps in Bulgaria.	Bulgarian authorities	Greek Memorandum p. 4.
Great number of Greeks tortured by the Turks	May to Nov., 1915	Vourla, Smyrna	Turkish authorities	" Annex vii, pp. 56-58.
POLAND				
75,000 workmen, reduced to poverty by the deliberate destruction of factories, were induced by German agents to work under conditions depriving them of all their rights. They endured very harsh treatment in regard to work and food, and were frequently beaten	Unspecified	Various places	German authorities	Memorandum of Polish Delegation, p. 4.
SERBIA				
Frequent tortures—before murder; tearing out eyes, cutting off nose and ears, also breasts of women. Beaten and hung up. Carried out in prisons and in military quarters	Various dates	Velès and other places. Macedonia	Bulgarians	Rapport de la Commission Interalliée, p. 12.
Rastinado—most frequent of the tortures				" p. 13.
Men hung up by the feet; heavy weights fastened to feet; flesh torn with pincers; thrown into boiling water		Toplitza, Jitni, Potok, Gregoure, and other villages	"	" p. 14.
Woman undressed and nailed to the ground		Donia Beyachnitza	"	" p. 15.
Man hung on tree by feet—then set on fire		Totchani	"	" p. 15.
30 women (wives of priests and schoolmasters) beaten		Koumanovo	"	" p. 15.
The President of Society of Ladies of that town beaten. Even pregnant women beaten; torture also applied; stripped and subjected to other outrages		Vrania	"	" p. 15.
Families compelled to witness executions of relatives				" p. 16.
Leading inhabitants forced to do degrading tasks				" p. 16.
Women in mourning forced to dance the kolo in the very place where massacred Serbs were buried		Sourdoulitza	"	Rapport de la Commission Interalliée, p. 16.
Lined up women, insulted them, and spat in their faces		Prokouplié	Bulgarian authority	" p. 17.
Civilians compelled to march in front of Austro-Hungarian troops as a shield.	1917	N. W. Serbia	Austrian and German military authorities	Rapport du Dr. Reiss. Rapport de la Commission d'enquête serbe, p. 3.

4.—DELIBERATE STARVATION OF CIVILIANS

GREECE				
Systematically organized by the Bulgarians. Nearly 40,000 victims among Greek population	1916-1918	Eastern Macedonia	Bulgarian authorities (several names known)	Greek Memorandum, pp. 7, 8.

2.—PUTTING HOSTAGES TO DEATH

Particulars.	Date.	Place.	Authors.	Reference.
GREECE				
Great number of Greeks murdered by the Bulgarians.....	Aug., 1916—Aug., 1918	Eastern Macedonia.....	Bulgarian authorities. (Many names known)	Greek Memorandum, p. 4.
Great number of Greek civilians murdered by the Turks.....	July, 1914—Dec., 1915	District of Mendessa (Asia Minor) Village of Skopo (Thrace)	Turkish officials and civilians	Ditto, Annex vi, pp. 29, 30; vii, pp. 58–60.

3.—TORTURE OF CIVILIANS.

BELGIUM				
By order of the German military authorities the Mayor of the town was compelled to put up the following notice: "One-third of the male population will be shot if any citizens fire on soldiers of the German Army."	Aug. 17, 1914.	Hasselt.....	German military authorities.	6th Report of Belgian Commission of Enquiry, No. 3.
300 inhabitants tied in fours to bridges to prevent the Belgian artillery from destroying them.	Aug. 6, 1914..	Liège.....	German troops.....	17th Report of Belgian Commission of Enquiry, pp. 54, 55. 15th Report, pp. 24, 25.
A German infantry captain put three children round him to protect him from Belgian fire, &c.	Sept. 26, 1914.	Klein-Antwerpen.....	" "	
FRANCE				
Arrest and Cruel Treatment of Civilians, causing the Death of several of them.				
The Abbé Oudin, Curé of the parish of Sompuis (Marne), was arrested owing to his having received a letter containing uncomplimentary remarks about the Germans. The Abbé Oudin (aged 73 and asthmatical) was taken off with his servant, a woman of 67, and other civilians. During the journey and their stay at Vouziers (from the 7th to the 14th), various kinds of cruel treatment were inflicted on them. On the 13th a number of soldiers (mostly officers) spat in the Curé's face, horse-whipped him, threw him into the air and let him fall on the ground, then proceeded to kick him with their boots and spurs. He died on the 15th at Sedan, as a result of this treatment. One of the civilians, who had also received numerous blows which broke several of his ribs, was left to die in the Fabert barracks. The aged servant was thrown down in the mud by soldiers, cruelly beaten and dragged by the hair. In the church four of them threw her on to the altar steps and then among the benches.	Sept. 7, 1914..	Sompuis (Marne).....	German officers and soldiers.	5th Report of French Commission of Enquiry. (Nos. 1 to 6.)

GREECE				
Great number of Greeks tortured by the Bulgarians	1916-1918	Eastern Macedonia, and many concentration camps in Bulgaria.	Bulgarian authorities	Greek Memorandum p. 4.
Great number of Greeks tortured by the Turks	May to Nov., 1915	Vourla, Smyrna	Turkish authorities	" Annex vii, pp. 56-58.
POLAND				
75,000 workmen, reduced to poverty by the deliberate destruction of factories, were induced by German agents to work under conditions depriving them of all their rights. They endured very harsh treatment in regard to work and food, and were frequently beaten	Unspecified	Various places	German authorities	Memorandum of Polish Delegation, p. 4.
SERBIA				
Frequent tortures—before murder; tearing out eyes, cutting off nose and ears, also breasts of women. Beaten and hung up. Carried out in prisons and in military quarters	Various dates	Velès and other places. Macedonia	Bulgarians	Rapport de la Commission Interalliée, p. 12.
Bastinado—most frequent of the tortures				" p. 13.
Men hung up by the feet; heavy weights fastened to feet; flesh torn with pincers; thrown into boiling water		Toplitza, Jitni, Potok, Gregoure, and other villages	"	" p. 14.
Woman undressed and nailed to the ground		Donia Beyachnitza	"	" p. 15.
Man hung on tree by feet—then set on fire		Totchani	"	" p. 15.
30 women (wives of priests and schoolmasters) beaten		Koumanovo	"	" p. 15.
The President of Society of Ladies of that town beaten. Even pregnant women beaten; torture also applied; stripped and subjected to other outrages		Vrania	"	" p. 15.
Families compelled to witness executions of relatives				" p. 16.
Leading inhabitants forced to do degrading tasks				" p. 16.
Women in mourning forced to dance the kolo in the very place where massacred Serbs were buried		Sourdoulitza	"	Rapport de la Commission Interalliée, p. 16.
Lined up women, insulted them, and spat in their faces		Prokouplié	Bulgarian authority	" p. 17.
Civilians compelled to march in front of Austro-Hungarian troops as a shield.	1917	N. W. Serbia	Austrian and German military authorities	Rapport du Dr. Reiss. Rapport de la Commission d'enquête serbe, p. 3.

4.—DELIBERATE STARVATION OF CIVILIANS

GREECE				
Systematically organized by the Bulgarians. Nearly 40,000 victims among Greek population	1916-1918	Eastern Macedonia	Bulgarian authorities (several names known)	Greek Memorandum, pp. 7, 8.

5.—RAPE.

Particulars.	Date.	Place.	Authors.	Reference.
BELGIUM				
Women violated	Aug., 1914	Louvain	German troops	Grey Book, pp. 300-301, 356-357.
Ditto	Aug. 19, 1914	Corbeek-Loo	" "	2nd Report of Belgian Commission of Enquiry, No. 2, p. 48.
Ditto	Aug. 23, 1914	Nimy	" "	22nd Report of Belgian Commission of Enquiry, p. 135.
GREECE				
Many cases of violation of Greek women and girls	1916—1918	Eastern Macedonia	Bulgarian authorities	Greek Memorandum, p. 6.
Great number of Greek victims	1915	Aivali, Gioumessi (Asia-Minor)	Turkish officials	" Annex vi, p. 31.
SERBIA				
In many villages few women spared. Committed by officers and police, as well as by private soldiers. Several cases in which mothers were victims in presence of their daughters and *vice versa*. Often beaten before violation, and slashed with knives afterwards	1915—1918	(Various) Serbia generally	Bulgarians. Officers, soldiers, and officials.	Rapport de la Commission Interalliée. p. 17.
Soldiers suffering from venereal disease ordered to violate girls		Pojarevatz	Bulgarian officers	" p. 19.
A woman given up to officer's dog		"	" "	" p. 19 (and Annexes au Rapport).
	1914	Serbia, various places	Austrians. Officers, soldiers, and officials	Rapport du Dr. Reiss.
	1915—1918			

6.—ABDUCTION OF GIRLS AND WOMEN FOR THE PURPOSE OF ENFORCED PROSTITUTION.

GREECE				
Great number of Greek women sent to Bulgaria for prostitution	1916—1918	Eastern Macedonia. Sioumen camps in Bulgaria.	Bulgarian officers	Greek Memorandum, p. 6.
More than 2,000 Greek children, less than 14 years of age, sent to Bulgaria	1916—1918	Eastern Macedonia	Bulgarian authorities	"
A great number of Greek girls and women carried off and locked up in Turkish harems. A great number of Greek children carried off and distributed among Turkish houses	1914—1918	Several localities on Turkish territory	Turkish authorities	Annex viii, p. 23.
A great number of Armenian women, girls and children locked up in harems and converted by force to Mohammedanism	1914—1918	Several Turkish provinces and especially Armenian vilayets.	"	Armenian Memorandum presented to the Conference.

FRANCE				
During Easter week some thousands of inhabitants, including many young girls, were suddenly torn from their homes, deported to other regions, and made to undertake forced labour, which is proved by a German Proclamation of April, 1916	April, 1916...	Lille (Nord).....	German General.....	6th Report of French Commission of Enquiry, pp. 7, 8.
180 women and girls and 164 men from this place were sent to Germany	Feb. 17,1917..	Nesles (Somme).....	German troops.....	9th Report of the French Commission of Enquiry, No. 235.
GREECE				
Nearly 70,000 Greeks deported to Bulgaria, where a great number succumbed to bad treatment, hunger and disease	1916—1918....	Eastern Macedonia.....	German and Bulgarian authorities (many names known)	Greek Memorandum, pp. 8, 9.
More than 400,000 Greeks compelled to abandon their homes and to seek refuge in Greece	1914.....	Thrace. Western coast of Asia Minor	Turkish authorities (many names known)	Greek Memorandum, p. 11; Annex vi, pp. 39, 299; Annex vii, pp. 50–55.
More than half a million Greeks deported to the interior of Asia Minor, where a great number (more than two-thirds) succumbed to bad treatment, hunger and disease	1915—1918....	Many Turkish provinces....	Turkish and German authorities (many names known)	Greek Memorandum, pp. 11–14; Annex v, vi, pp. 39, 299; viii, p. 5; xii.
More than a million Armenians deported to Mesopotamia and Syria, where a great number succumbed to bad treatment, hunger, and disease	1914—1918....	Several Turkish localities, and especially the Armenian vilayets	Turkish authorities.....	Armenian Memorandum addressed to the Conference.
ITALY				
Deportation of able-bodied men who were forced to leave as soon as they were notified of their destination, even if they were the only support of their family. Two lady nurses were taken from Udine and interned near Gratz	Unspecified..	Italian front.....	Austrian troops.....	Catellani's Report, p. 198.
ROUMANIA				
Many cases of deportation of the staffs of communal institutions, in order to interfere with the life of the communes. The transportation was often accompanied by brutal treatment.	Unspecified..	Roumanian front.....	German authorities.....	Memorandum of the Roumanian Delegation, ii (*a*).
SERBIA				
Deportation into Bulgaria *en masse*, including children and the aged. Subjected to extreme hardships during transportation; many died of exhaustion	1914–1918.....	Serbia (various places).....	Bulgarians (ordered by Bulgarian Government)	Rapport de la Commission Interalliée, p. 20 (and Annexes au Rapport).
Massacres, tortures, rape accompanied deportation. Many robbed on the way.				
Principal victims: Professors, teachers, priests, judges, lawyers, tradesmen	1914–1918.....	Sourdoulitza.....	.....	" pp. 22, 23.
Many shot and bayoneted.....	1914–1918.....	"	.....	" p. 23.
3,000 massacred in Sourdoulitza.....	1914–1918.....	"	Bulgarian soldiers.....	" p. 23.
Carried off about 10 per cent. of the population of occupied Serbia.	1915–1918.....	Serbia.....	Austrian and German military authorities	Rapport du Dr. Reiss. Rapport de la Commission d'enquête serbe, pp. 3, 4.

8.—INTERNMENT OF CIVILIANS UNDER INHUMAN CONDITIONS

Particulars.	Date.	Place.	Authors.	Reference.
GREECE				
Inhuman treatment of the interned Greeks in Bulgaria. Many thousands of victims	1916–1918.....	Bulgarian camps: and especially Kitsevo, Karuabat, Kostivar, Tirnovo, Scoumen, Philipopoli	Bulgarian civil and military authorities (many names known)	Greek Memorandum, p. 9; Annex iv.
ROUMANIA				
Inhuman treatment of interned Roumanians. Were not given sufficient food	Unspecified..	German camps.....	German authorities.....	Memorandum of the Roumanian Delegation, ii, p. 1.
SERBIA				
Internment *en masse*; including children and the aged. Dreadful conditions in camps: no clothes, no sanitation, very little food, hard labour, bastinadoed or bayoneted for no offence, or on slightest pretext. Many robbed of their belongings	1914–1915–1918	Sliven, Dioumourtchani, and many other internment camps	Bulgarians (ordered by Bulgarian Government)	Rapport de la Commission Interalliée (and Annexes au Rapport).
Out of 100,000 interned, only 50,000 returned—and they were broken in health	.....	.....	.....	" p. 26.
Interned a doctor of Vrania—because the officer had designs on the latter's wife	.....	"	Bulgarian commandant...	" p. 21.
Internment of priests and teachers	.....	.....	Bulgarian authorities.....	" p. 51.
Attempted escape of interned civilians punished with death	.....	.....	"	" p. 51.
Interned subjected to hunger and cold, lacked linen and clothing, reduced by epidemics, many died. Internment utilised as a means of extorting money from Serbian population	1915–1918.....	Nagymegyer, Schah, Heinreichgrun, Brannau, Boldogaszony Neszider, Csegled, Rat, Tranian	Austrian and German civil and military authorities	Papport du Dr. Reiss. Rapport de la Commission d'enquête serbe, pp. 3, 4.

9.—FORCED LABOUR OF CIVILIANS IN CONNECTION WITH THE MILITARY OPERATIONS OF THE ENEMY, AND OTHERWISE.

BELGIUM				
Unsuccessful attempts to make workmen at the Central Arsenal resume work: 3 persons imprisoned; 190 workmen sent to Germany	April–May, 1915	Luttre.....	German authorities.....	18th Report of Belgian Commission of Enquiry, pp. 76, 77.
Similar incidents in other localities.....	June 1915.....	Sweveghem.....	" "	" pp. 78, 79.
	May 1915.....	Malines.....	" "	" pp. 77, 78.
FRANCE				
That French civilians were subjected to forced labour under severe hardships is clear from the two following documents:— 1. A proclamation ordering the inhabitants (men, women, and children) to work in the fields every day, including Sundays, from 4 A.M. to 8 P.M., with a total break of 2 hours, making 14 hours' work. "Idlers" were to be beaten if they were children, and to undergo 6 months' imprisonment after the harvest if they were women	July 20, 1915..	Holnon (Aisne).....	German officer.....	9th Report of French Commission of Enquiry, p. 24.

2. A "Notice respecting civilian worker" required workers to salute German officers. Their wages were fixed at 2.25 fr. per day, of which 1.75 fr. was deducted, leaving 50 c. pay, of which only 25 c. was paid in cash	April 28, 1916.	Place unspecified.....	" "	" p. 23.
GREECE				
Greek women compelled by Bulgarians to work in fortification works	1917-1918.....	Demir-Hissar.....	Bulgarian authorities.....	Greek Memorandum, p. 10.
SERBIA.				
Ordered to carry munitions and provisions to the front, dig trenches, build defensive works, &c. People taken at a distance; long spells of labour; had to find their own food Old men, women and children also compelled	1915-1918.....	Various places in Serbia.....	.....	Rapport de la Commission Interalliée, p. 33.

10.—USURPATION OF SOVEREIGNTY DURING MILITARY OCCUPATION

(*See also* No. 12.)

POLAND				
Prevented the population from organising themselves to maintain order and public security. Aided the Bolshevist hordes that invaded the territories	After conclusion of Armistice	Lithuania, White Russia, Ukraine	German and Austrian authorities	Memorandum of Polish Delegation, p. 5.
ROUMANIA				
Institution of German civil courts to try disputes between subjects of the Central Powers, or between a subject of these Powers and a Roumanian, a neutral, or subjects of Germany's enemies	March 1, 1917.	Occupied territory of Roumania	German authorities.....	Memorandum of the Roumanian Delegation, iv, *a*
SERBIA				
Proclaimed that the Serbian State no longer existed, and that Serbian territory had become Bulgarian	1915—1918....	Serbia.....	Bulgarian authorities. The commander was promoted to rank of General	Rapport de la Commission Interalliée, p. 41 (and Annexes au Rapport).
			Official orders show efforts at Bulgarisation	" pp. 48-51.
Serbian law, courts, and administration ousted.....	1915—1918	"	"	" p. 41.
Taxes collected under Bulgarian fiscal régime.....	"	"	"	" p. 41.
Serbian currency suppressed.....	"	"	"	" p. 42.
Public property removed or destroyed, including books, archives and MSS. (*e. g.*, from the National Library, the University Library, Serbian Legation at Sofia, French consulate at Uskub)	"	"	"	" p. 42.
Prohibited sending Serbian Red Cross to occupied Serbia.....	"	"	"	" p. 43.
The Austrians suspended many Serbian laws and substituted their own, especially in penal matters, in procedure, judicial organization, &c.	"	"	Austrian and German authorities	Rapport du Dr. Reiss. Rapport de la Commission d'enquête serbe, pp. 4, 6.
Museums belonging to the State (*e. g.*, Belgrade, Detchani) were emptied and the contents taken to Vienna				

II.—COMPULSORY ENLISTMENT OF SOLDIERS AMONG THE INHABITANTS OF OCCUPIED TERRITORY

Particulars.	Date.	Place.	Authors.	Reference.
GREECE				
Many thousands of Greeks forcibly enlisted by Bulgarians	1917—1918	Eastern Macedonia	Bulgarian authorities	Greek Memorandum, p. 10.
SERBIA				
Forced Serbian subjects to fight in the ranks of Bulgarians against their own country	1915—1918	Serbia	Bulgarian authorities	Rapport de la Commission Interalliée, p. 43.
Families and villages were held responsible for refusal to enlist (in Eastern Serbia.)				
Serbian subjects were recruited for the Austrian armies, or were sent to the Bulgarians to be incorporated in their forces	1915—1918	Serbia	Austrian and German authorities.	Rapport de la Commission d'enquête serbe, p. 6.

12.—ATTEMPTS TO DENATIONALISE THE INHABITANTS OF OCCUPIED TERRITORY

(See also No. 10)

SERBIA				
Efforts to impose their national characteristics on the population	1915—1918	Serbia	Bulgarian authorities	Rapport de la Commission Interalliée, p. 36 (and Annexes au Rapport).
Serbian language forbidden in private as well as in official relations. People beaten for saying "Good morning" in Serbian				
Inhabitants forced to give their names a Bulgarian form		"	" "	" p. 37.
Serbian books banned—were systematically destroyed		"	" "	" p. 37.
Archives of churches and law-courts destroyed		"	" "	" p. 37.
Schools and churches closed, sometimes destroyed		"	" "	" p. 37.
Bulgarian schools and churches substituted—attendance at school made compulsory.		"	" "	" p. 38.
Population forced to be present at Bulgarian national solemnities		"	" "	" p. 39.
Austrians and Germans interfered with religious worship, by deportation of priests and requisition of churches for military purposes. Interfered with use of Serbian language		"	Austrian and German authorities.	Rapport du Dr. Reiss. Rapport de la Commission d'enquête serbe, p. 5.

13.—PILLAGE

BELGIUM				
Town sacked	Aug. 18, 1914	Tongres	German troops	17th Report of Belgian Commission of Enquiry, p. 71.
100 houses looted	Aug. 1914	Hougaerde	" "	Grey Book, p. 128
Village sacked	Aug. 6, 1914	Retinne	" "	" " p. 133.
Looting lasting several days	Aug. 8, 1914	Francorchamps	" "	17th Report of Belgian Commission of Enquiry, pp. 50–61.

FRANCE				
144 lorries with a special detachment arrived and carried off everything of any value.	Sept. 1, 1914..	Lassigny (Oise).....	German troops.....	9th Report of French Commission of Enquiry, No. 103.
These special detachments acted in the same way in numerous districts				
At Vraignes and Nesle the Germans seized provisions sent by the Spanish-American relief funds	Date unspecified	Vraignes, Tertry, and Nesle (Somme)	" "	" Nos. 229, 234, 235
GREECE				
Great number of Greek houses plundered by Bulgarians.....	1916—1918....	Serres; Cavalla.....	Bulgarian authorities (several names known)	Greek Memorandum, pp. 4–5.
600 Greek villages plundered by the Turks in Thrace and Asia Minor	1915—1918....	Several Turkish provinces...	Turkish authorities.....	Greek Memorandum, p. 13. Annex vi, pp. 32–34.
ITALY				
Looting on a large scale, in many cases pointing to systematic organisation by officers	Early in the Austrian campaign.	Asiago.....	Austrian troops.....	Catellani's Report, p. 100.
	Ditto.....	Gorizia.....	" "	" p 160.
	End of 1917..	Italian Front.....	" "	" p. 200.
	November 1917	Udine.....	Austrian officers and troops	p. 205, 206.
	" "	Conegliano.....	" "	" p. 207.
	Unspecified..	Tolmezzo Sector.....	" "	" p. 207.
Theft of numerous paintings.....	"	Castle near Castellavazzo....	Austrian officer.....	" p. 208.
ROUMANIA				
Regular practice.....	Unspecified..	Besserabia.....	German troops.....	Memorandum of the Roumanian Delegation, x.
SERBIA				
A constant practice of the military and civil authorities alike, according to an arranged system	1915—1918....	Serbia.....	Bulgarians (practised or sanctioned by the authorities)	Rapport de la Commission Interalliée, p. 30 (and Annexes au Rapport).
Frequently followed internments and arrests of Serbs.....	.....	"	..... "	" p. 31.
Those who were killed were usually despoiled of their goods.	.....	"	" "	" p. 31.
Furniture and other effects of houses taken away, and cattle from farms				
Generally done during searches, ordered under the pretext of searching for arms and Serbian books	.....	"	" "	" p. 30.
On evacuating territory, pillage on a large scale, after ordering the population to evacuate a certain zone	.....	Doiran; Valandovo.....	" "	" p. 31.
Blackmail resorted to.....	.....	Macedonia.....	Bulgarian authority.....	" p. 32.
Blackmailed two peasants (25,000 dinars).....	.....	Grabovitza (in department of Toplitza)	.....	" p. 32.
It was rare to find an Austrian officer who had not taken part in	1915—1918	Serbia (various places)	Austrian and German au-	Rapport du Dr. Reiss. Rapport de la

14.—CONFISCATION OF PROPERTY

Particulars.	Date.	Place.	Authors.	Reference.
SERBIA[1]				
Private belongings of deported and interned civilians taken from them	1915—1918....	Serbia.....	Bulgarians.....	Rapport de la Commission Interalliée, p. 20.

15.—EXACTION OF ILLEGITIMATE OR OF EXORBITANT CONTRIBUTIONS AND REQUISITIONS

BELGIUM				
Besides local levies, the German authorities by successive decrees extorted from Belgium a series of contributions totalling 2,390,000,000 fr., in cash. This sum represents 2,000,000 fr. per day	1914—1918....	Belgium (various places)....	German authorities.....	Memorandum drawn up by the Belgian Delegation.
Wavre (Belgium) alone had to contribute 3,000,000 fr., payable by September 1, on a false pretext. The Burgomaster was ordered to hand over 2,000,000 fr. in gold, under the threat: "The town of Wavre will be set on fire and destroyed unless payment is duly made. No exceptions will be made, and the innocent will suffer with the guilty"	Aug. 22, 1914.	Wavre.....	German military authorities	6th Report of Belgian Commission of Enquiry, No. 6.
FRANCE				
Eighty-three communes were forced to issue notes to the value of 60,000 fr. per day for the maintenance of Germans; the total issue in the district was 1,600,000 fr.	Date unspecified.	Roisel (Somme).....	German military authorities	8th Report of French Commission of Enquiry, No. 202.
A levy of 138,450 fr. was imposed, which was obviously beyond the resources of the neighbourhood	Sept. 1916....	Guiscard (Oise).....	"	" No. 92.
An order given stated that: "The circulation of communal notes issued in the district occupied by the First Army is compulsory . . . German soldiers are instructed to pay only with such notes . . . Sums paid to the German Army must be in cash, or German, French, or Belgian notes"	Sept. 1, 1915..	Noyon (Oise).....	Officer in command.....	" No. 79.
At Nesle the electric light installed for German officers was charged by them to the inhabitants.	Date unspecified	Nesle (Somme).....	German military authorities	" No. 235
GREECE				
Abusive requisition of victuals.....	1916–1917.....	Eastern Macedonia.....	Bulgarian authorities.....	Greek Memorandum, p. 5.
Contributions on pretext that they were to be used for philanthropic purposes.	1916–1917.....	"	"	" p. 5.

POLAND				
By means of requisitions,[1] of so-called "free purchases," and of expropriation, an institution known as the "Kriegsrohstoff-stelle" drained the country systematically and completely of all raw materials and manufactured articles. It thus reduced the population to poverty, and increased the death rate very considerably	1915—1918....	Various places.....	German authorities.....	Memorandum of Polish Delegation, p. 3.
ROUMANIA				
Ruin of Bessarabia (formerly a very rich province) by methodical exploitation; deprived of cattle, horses, cereals, wood, &c.	Unspecified..	Bessarabia.....	German authorities.....	Memorandum of the Roumanian Delegation, x.
SERBIA				
Great economic exploitation; population reduced to misery.....	1915–1918.....	Serbia generally.....	Bulgarian authorities.....	Rapport de la Commission Interalliée, p. 27 (and Annexes au Rapport).
New and heavy taxes imposed; Bulgarian assessment substituted for Serbian				
Contributions levied as fines.....	1915–1918.....	Morava.....	"	" p. 28.
Contributions levied as "voluntary gifts".....	1915–1918.....	Macedonia.....	"	" p. 28.
In some places no receipts given; in others, the sums indicated on them were less than those obtained.	.....	.....	.....	" p. 29.
The Austrians seized all the provisions and supplies they could find, not leaving even the minimum indispensable for the native population. They seized every article made of or containing copper	1915–1918.....	Serbia generally.....	Austrian and German authorities.	Rapport du Dr. Reiss. Rapport de la Commission d'enquête serbe, p. 5.

16. DEBASEMENT OF THE CURRENCY, AND ISSUE OF SPURIOUS CURRENCY.

POLAND				
Order issued forbidding any transactions in roubles, on pain of 5 years' imprisonment, a fine of 100,000 marks, and confiscation.	April 14, 1917.	Poland.....	German authorities.....	Memorandum of Polish Delegation, p. 2.
Issue of 862 millions of new coin under the name of "Polish marks," current only in that part of Russian Poland ruled by the Governor-General of Warsaw. All requisitions were paid for by this means	April, 1917...	"	" "	" p. 2.
Issued a new rouble, at a vlue of 2 marks, whilst the real rate was 2½ marks.	1916.....	Various districts.....	" "	" p. 2.
Russian rouble declared equal to 1 mark—a measure that put the population at the mercy of German agents and speculators	March, 1918..	Minsk.....	" "	"
SERBIA				
Depreciated Serbian currency artificially. Serbian population had to exchange all Serbian money for Bulgarian banknotes, and the official rate of exchange was 2 dinars for 1 lev. After a time Serbian banknotes were declared to be valueless	1915–1918.....	Serbia generally.....	Bulgarians (ordered by the authorities).	Rapport de la Commission Interalliée, p. 28 (and Annexes au Rapport).
The Austrian authorities decreed that Serbian banknotes were to to be accepted, even in private transactions, only at 50 per cent. of their nominal value	1915–1918.....	" "	Austrian and German authorities.	Rapport du Dr. Reiss. Rapport de la Commission d'enquête serbe.

[1] Various examples are also given under other heads, *e. g.*, Nos. 10, 13, 18, 29.

[2] See also under No. 16.

17.—IMPOSITION OF COLLECTIVE PENALTIES

Particulars.	Date.	Place.	Authors.	Reference.
BELGIUM				
Families held responsible for the escape of Belgians liable to military service.	Jan. 26, 1915..	Belgium.....	German military authorities.	Grey Book, p. 503.

18.—WANTON DEVASTATION AND DESTRUCTION OF PROPERTY

BELGIUM				
120 houses burnt down; a church deliberately fired.....	August 1914..	Romedenne.....	German troops.....	20th Report of Belgian Commission of Enquiry, pp. 97, 105, 106, 107.
Half of the village destroyed.....	August 1914..	Jamoigne.....	" "	8th Report of Belgian Commission of Enquiry, p. 108. "
Every house burnt down, &c.....	August 1914..	Semel.....	" "	
Most of the town destroyed: 300 houses burnt.....	Aug. 8, 1914..	Herve.....	" "	3rd Grey Book, p. 123.
FRANCE				
France was systematically laid waste for no military reason, especially: (1.) During the German advance in 1914 (destruction of Gerbeviller, Audun-le-Roman, &c.) (2.) Before the German retreat in March, 1917. During the last-mentioned period, most of the numerous districts evacuated by Germany were deliberately and scientifically reduced to a mass of ruins. We will give only a few examples, viz.:				
Before the German evacuation, the town of Chauny (population 11,000) was completely looted and then destroyed by fire and dynamite, although no fighting had taken place in the neighbourhood. The destruction began on March 3, 1917, and lasted a fortnight. During that time the inhabitants were quartered in the suburb of Brouage, which was not destroyed; it was, however, bombarded by the Germans on March 20, soon after their departure.	March 3–18, 1917.	Chauny (Aisne).....	" "	8th Report of French Commission of Enquiry, Nos. 161 *et seq.*
The districts of Flavy-le-Martel and Ourscamps are models of destruction.	Feb. – March 917.	Flavy-le-Martel (Aisne)..... Ourscamps (Oise).	" "	" Nos. 88, 146.
A strictly secret order from the German authorities reads as follows: "The captain of the pioneers will direct the destruction .... The final wholesale destruction in Grevillers, Biefvillers, Aubin, and Avesnes will begin at X ± 2 .... Fires will be started about 5 o'clock on the third day of our march .... It is important that all wells should be destroyed ."	February to March 1917	Grevillers, Biefvillers, Aubin, Avesnes, Pas de Calais	German troops.....	9th Report of French Commission of Enquiry, p. 29.

Aisne.				
There is documentary proof of the existence of special incendiary equipments brought from Germany (pumps, concentrated cubes, &c.). The districts mentioned here were destroyed in this manner	Sept. 6, 1914..	Revigny (Meuse).....	German troops.....	1st Report of French Commission of Enquiry, No. 127.
	Sept. 6, 1914..	Sommeilles (Meuse).....	" "	" Nos. 135 *et seq.*
	Aug. 24, 1914.	Gerbeviller (Meurthe et Moselle)	" "	" Nos. 254 *et seq.*
Agricultural Implements carried off or destroyed.				
Such implements were frequently carried off or destroyed, as, for example, in the districts mentioned opposite	Mar. 1917.....	Voyennes (Somme).....	" "	9th Report of French Commission of Enquiry, No. 241.
		Guiscard (Somme).....	" "	8th Report of French Commission of Enquiry, No. 92.
		Nesle (Somme).....	" "	" No. 235.
GREECE				
Great number of Greek houses devastated and many Greek villages destroyed by Bulgarians	1916—1918....	Serres, Drama, Cavalla, and neighbourhood	Bulgarian authorities.....	Greek Memorandum, pp. 6–7.
ITALY				
On the Italian front the Austro-Hungarian Army perpetrated general and systematic acts of devastation and pillage	Various dates	Italian front.....	Austrian troops.....	Catellani's Report, pp. 99, 100, 101, 122, 123, 124, 160, 200, 205, 206, 207, 208, 209, 210, 211.
POLAND				
A town unlawfully bombarded and then set on fire by means of petrol. The most prosperous part was completely looted and then destroyed	1914.....	Kalisz.....	German military authorities.	Memorandum of Polish Delegation, pp. 1, 2.
ROUMANIA				
A province ruined.....	Unspecified..	Bessarabia.....	German military authorities	Memorandum of the Roumanian Delegation, x.
Methodical destruction of buildings, especially those relating to judicial institutions	Unspecified..	Various places.....	German troops.....	" v. 1–3.
Destruction of bridges, railways, depôts, works of art.....	After the conclusion of the Armistice	Various places.....	" "	" vi.
SERBIA				
Houses and villages entirely rased to the ground, on pretext of military reasons or suppression of insurrection, and sometimes even without any pretext at all	1915—1918....	Serbia: Department of Toplitza (village of Alexandrovatz; Commune of Grgouré); Communes of Bania, Ratcha, Dobrodol, Ivankoula, Loukovo Doiran, Valandovo, District of Velès, Monastir.	Bulgarian authorities.....	Rapport de la Commission Interalliée, p. 34 (and Annexes au Rapport).
The Austrians, at the time of their first invasion, destroyed numerous villages and set fire to houses	1914.....	N.W. Serbia.....	Austrian troops.....	Rapport du Dr. Reiss.

19.—DELIBERATE BOMBARDMENT OF UNDEFENDED PLACES.

Particulars.	Date.	Place.	Authors.	Reference.
BELGIUM				
Bombs dropped from aeroplanes	Sept. 4, 1914..	Ghent	German aeroplane	3rd Report of Belgian Commission of Enquiry, p. 56.
Bombs dropped from aeroplanes	Sept. 5, 1914..	Eccloo	" "	"
BRITISH EMPIRE				
Attack by night. 90 incendiary bombs and some H. E. bombs dropped. 1 woman killed, 1 man injured. No opposition	May 10, 1915..	Southend	German airman in airship	British Interim Report.
Attack by night. 47 incendiary bombs and 23 H. E. grenades dropped. 2 women killed, 1 child injured. No opposition	May 26, 1915..	"	" (The same airship)	"
Attack by night, in clear atmosphere and full moon. The parts attacked were occupied by purely civilian inhabitants (Shoreditch, Whitechapel, and the Kingsland Road). There were no military objectives in the vicinity of the parts attacked. 89 incendiary bombs and 30 H. E. grenades dropped. 7 civilians killed, 33 injured. No opposition	May 31, 1915..	London	" (The same airship)	"
The objective was the civilian part of the town, and not any military objective. Clear night; town clearly distinguishable. Dropped 7 H. E. and 15 incendiary bombs. 18 civilians killed, 52 injured; no military casualties	March 5, 1916.	Hull	German airship (a second airman identified in case of Hull) (Same airship)	British Interim Report.
Attack by night, favourable visibility. Main attack on the town itself. The airman descended to a height of 2,000 ft., "as he found the town unprotected by guns." Dropped 18 H. E. and 6 incendiary bombs. The casualties confined to civilians: 9 men and 2 children killed, 6 men, 13 women, and 5 children injured. Considerable damage	Apr. 2-3, 1916	Edinburgh (the city)	" (Same airship)	"
3 H. E. bombs dropped	Apr. 2-3, 1916.	Edinburgh (parishes of Colinton and Liberton)	Another German airman	"
Battle cruisers and cruisers were accompanied by destroyers....	Dec. 16, 1914.	Scarborough; Whitby; West Hartlepool	German squadrons of the High Sea Fleet (Names of officers available)	British Report, Jan. 16, 1919, p. 1.
Scarborough.—No fixed defence, and no work of military and naval utility. In the main, the bombardment was a wanton and recklessly indiscriminate shelling of the town from end to end. 17 civilians killed, 120 injured; damage to certain dwellings—£30,000				
Whitby.—No fixed defence. Damage to civilian property—£10,000				
West Hartlepool.—No fixed defence. Indiscriminate bombardment of the town. 56 civilians were killed or subsequently died of injuries, 222 were more or less seriously injured; 506 houses and a number of churches and schools were damaged				
SERBIA				
Many undefended towns bombarded by big guns	1914-1915.....	Belgrade, Chabatz, Losnitza.	Austrian and German military authorities	Reports of Dr. Reiss. Rapport de la Commission d'enquête serbe, p. 3.
Whole streets destroyed	1916.....	Bitoljo (Monastir).....	Bulgarians.....	Rapport de la Commission Interalliée, p. 31.

20.—WANTON DESTRUCTION OF RELIGIOUS, CHARITABLE, EDUCATIONAL, AND HISTORIC BUILDINGS AND MONUMENTS.

FRANCE				
Destruction of Burial Places.				
See the examples here given	Date unspecified	Carlepont (Oise)	German troops	8th Report of French Commission of Enquiry, No. 104 and 105.
		Roiglise (Somme)	"	" p. 19.
		Manancourt (Somme)	"	9th Report of French Commission of Enquiry, No. 252.
General and systematic pillage and devastation	Date unspecified	Italian Front	Austro-Hungarian armies	Castellani Report, pp. 99–101, 122–124, 160, 200, 205–211.
SERBIA				
Schools, monasteries and churches destroyed	1915–18	Serbia	Bulgarians. (The authorties themselves)	Rapport de la Commission Interalliée, p. 37.
Historic monuments destroyed	1915–18	Macedonia	"	" p. 38.
Ancient inscriptions, portraits of sovereigns and saints obliterated	1915–18	"	"	" p. 38.
Public gardens, fountains, tombstones demolished	1915–18	"	"	" p. 38.
Cemeteries of Serbian soldiers devastated	1915–18	"	"	" p. 38.

21.—DESTRUCTION OF MERCHANT SHIPS AND PASSENGER VESSELS WITHOUT WARNING AND WITHOUT PROVISION FOR THE SAFETY OF PASSENGERS AND CREW.

Particulars.	Date.	Vessel attacked and place.	Author.	Reference.
BRITISH EMPIRE				
After the boats were lowered the submarine continued to fire, killing or wounding several of the crew, and killing a lady passenger. The submarine offered no assistance, and went away after sinking the ship.	Mar. 27, 1915.	British s. s. 'Aguila,' 51.05 N., 06.11 W.	German submarine	British Report.
The steamer carried a crew of 95 and 147 passengers: only 20 minutes elapsed between the submarine's warning and the sinking of the ship, so that it was impossible to transfer this number of people to the boats. 104 lives were lost.	Mar. 28, 1915.	British s. s. 'Falaba,' 51.32 N., 06.40 W.	"	"
Submarine opened fire while the crew were lowering the boats. 2 men missing.	Aug. 17, 1915.	British s. s. 'Glenby,' 52.09 N., 05.44 W.	"	"
Torpedoed without warning. Only 5 boats got away, 213 of the crew and 121 passengers losing their lives through the explosion or by drowning	Dec. 30, 1915.	British s. s. "Persia." 34.01 N., 26.00 E.	German submarine	British Report.
Torpedoed without warning. A number of boats, with master and 51 members of the crew, were lost	Dec. 30, 1915.	British s. s. "Clan Macfarlane." 34.05 N., 25.35 E.	"	"
Lost, without trace; but her name appeared on a German list (March 6, 1917) of English steamers sunk	Oct. 1916	British s. s. "Clearfield." W. of Scotland.	" [1]	"

[1] See also under Nos. 22 and 24.

21.—DESTRTCTION OF MERCHANT SHIPS AND PASSENGER VESSELS WITHOUT WARNING AND WITHOUT PROVISION FOR THE SAFETY OF PASSENGERS AND CREW—Continued.

Particulars.	Date.	Vessels attacked and place.	Authors.	Reference.
BRITISH EMPIRE—continued.				
Torpedoed without warning. Master and 34 of the crew lost....	Jan. 27, 1917..	British s. s. "Artist " N., 07.00 W.	German submarine	British Report.
Attacked without warning. Master and cook washed overboard, could easily have been rescued, but the Germans took no notice of them	Jan. 30, 1917..	British smack "Trevone." 30.00 N. W. by N. of Trevose Head.	"	"
Torpedoed without warning whilst going to assist the life-boats of another ship that had been sunk, and 5 minutes later the submarine opened fire with shrapnel, and kept on firing whilst the crew were trying to save themselves. Only one survivor of 33	April 8, 1917..	British s. s. "Torrington." 49.00 N., 10.00 W.	"	"
Carrying 749 passengers, many of whom were women and children. Torpedoed without warning by an unseen submarine. 143 lives lost	Sept. 17, 1918.	British s. s. "Galway Castle." 48.50 N., 10.40 W.	"	"
FRANCE				
2,200 refugees on board: was torpedoed without warning three miles from Cape Gris-Nez. There were 20 victims	Oct. 26, 1914..	s. s. "Amiral Ganteaume." The Channel	German submarine.....	7th Report of French Commission of Enquiry, Nos. 37–40.
Torpedoed without warning. Only the clever handling by her captain kept her afloat. There were about 100 victims, including many women and children	Mar. 24, 1916..	s. s. "Sussex." The Channel	"	" Nos. 2–36.
Torpedoed without warning, sinking about a minute later. Submarine came to surface three minutes after the vessel sank, but no attempt to help any of the crew who were clinging to wreckage. 14 lost out of 35 persons	Nov. 28, 1917.	s. s. "Jeanne Conseil." 47.20 N., 3.55 W.	"	British Report.
Torpedoed and sunk without warning by unseen submarine, which afterwards came to surface and rammed the boats containing the crew. The assailants laughed at the men in the water. 35 lives lost out of 44	July 10, 1918..	s. s. "Lyndiane." Off north coast of Spain	"	"
ITALY				
An emigrant steamer torpedoed without warning. About 300 lives lost out of about 450 passengers and crew. Survivors who approached submarine pushed back into the water with jeers	Nov. 7, 1915..	The "Ancona." Between Sardinia and Tunisia	German submarine.....	Catellani's Report, p. 32: British Report
The "Letimbro" attacked without warning by an Austrian submarine, which continued to fire after the vessel had hoisted the white flag and lowered her boats	July 30, 1916..	The "Letimbro." Between Benghasi and Syracuse	Austrian submarine.....	Catellani's Report, p. 33.
JAPAN				
Torpedoed without warning, and sank in 49 minutes. Many wounded	Dec. 21, 1915..	The "Yasaka-Maru" off Paros	Enemy submarine.....	Report of Japanese Delegation.
Without any warning was struck by two torpedoes, and sank in seven minutes. Of the 241 persons on board (crew and passengers) 211 perished, including three women and six children	Oct. 1, 1918...	The "Nirano-Maru." 51.12 N., 7 W.	"	"

BELGIUM				
A Belgian Relief Steamer carrying a cargo of grain from Buenos Ayres to Rotterdam for the Belgian Relief Commission. She bore the Neutral Commission's flags and markings. The German authorities in the United States had stated that they did not mean to interfere with relief ships. But the vessel was torpedoed without warning, her crew of 18 being all drowned, except the chief engineer	Feb. 4, 1917...	Danish s. s. "Lars Kruse." 20° N. of Ushant	German submarine*.....	British Report.
FRANCE				
When 160 miles off the coast of Ireland, the crew of the "Bernadette," a fishing-vessel, were ordered by a submarine to take to the boats. The skipper was refused time to take the necessary provisions. The boats were left on the open sea, and of the 34 men comprising the crew only 24 were rescued by various vessels, after having been five or six days exposed to very great dangers, to hunger and to thirst	May 1, 1916...	French fishing-boat, "Bernadette." The Atlantic Ocean	German submarine.....	7th Report of French Commission of Enquiry, Nos. 46–51.

23.—DELIBERATE BOMBARDMENT OF HOSPITALS

BRITISH EMPIRE				
The hospital area of Étaples was attacked by 12 machines for an hour; 140 bombs dropped. Magnesium lights were dropped over the hospital, followed by bombs. The crosses would be visible from the height of the assailants (5,000 ft.) *Casualties.*—In the hospital area, 27 killed (including 1 sister), 79 wounded (including 4 sisters)	May 31–June 1, 1918	Étaples (France).....	German airmen.....	British Report.
ITALY				
Numerous instances of firing on properly marked hospitals, motor ambulances, &c.	At various times	Italian front.....	Austro-Hungarian troops..	Catellani's Report, pp. 52–54.
SERBIA				
Hospital bombarded.....	Feb. 27, 1917.	Vertekop.....	Bulgarian airmen.....	Rapport de la Commission Interalliée, p. 6.

* See also under Nos. 21 and 24.

Particulars.	Date.	Vessels attacked and place.	Authors.	Reference.
BRITISH EMPIRE				
Was carrying all the proper marks and lights, but was torpedoed without warning. 234 lives lost out of 258 persons carried	June 27, 1918.	"Llandovery Castle," 50.36 N., 12.27 W.	German submarine.....	British Report.
While burning her lights brightly, was torpedoed and sunk without warning. 14 boats were lowered and all hands saved, except four men who were probably killed by the explosion	Jan. 4, 1918...	"Rewa," 50.59 N., 04.10 W..	German submarine*.....	"
Torpedoed and sunk without warning. Carrying no patients but full medical staff. Showing all proper markings and lights. 153 lives lost out of 182	Feb. 26, 1918.	"Glenart Castle." Off Lundy Island	German submarine.....	"
Showing all proper markings and lights; had 438 wounded on board. Hit without warning by a torpedo, which did not explode	Mar. 10, 1918.	"Guildford Castle." Bristol Channel	German submarine.....	"
FRANCE				
The "Portugal," lent by France to Russia, and bearing the regulation marks, was sunk without warning in broad daylight	Mar. 17, 1916.	"Portugal." Black Sea.....	Submarine.....	7th Report of French Commission of Enquiry, Nos. 56-60.

25.—BREACH OF OTHER RULES RELATING TO THE RED CROSS

BELGIUM				
Shots fired from a German car by four men wearing Red Cross badges	Aug. 19, 1914	Beauvechain.....	German troops.....	15th Report of Belgian Commission of Enquiry, p. 28.
FRANCE				
Stretcher-bearers Carrying Wounded Treacherously Fired on.				
In 1914, stretcher-bearers of the 267th Regiment were sent on to the battlefield during a lull to bring in the dead and wounded. The Germans at first allowed them to do so, but when six stretchers had gone out they opened fire	1914.....	La Neuville (Marne).....	" "	3rd Report of French Commission of Enquiry, Nos. 245-246.
Wanton Massacre of Medical Personnel and Wounded.				
On August 22, 1914, after the battle of Ethe (Belgium), a dressing station having been set up, a German lieutenant examined it and declared that everything was in order. Later, however, an enemy N. C. O., accompanied by several men, ordered doctors, orderlies, and wounded in one of the rooms to go out and be shot. When it was explained that they were all wounded men or medical staff, the N. C. O. ordered his men	Aug. 22, 1914	Ethe (Belgium).....	" "	" Nos. 73, 76, 236.

to open fire and blew out the brains of a wounded lieutenant, while his men killed or wounded doctors. Later, 60 or 80 wounded men in a burning barn (which formed part of the dressing station) were fired at, as they tried to escape, by sentinels stationed at both doors of the barn, and those who did manage to get out were overtaken by the Germans and shot at the foot of the cemetery wall The Report speaks of an "immense number" of such cases				
ITALY				
An Austrian officer threw a wounded Italian down a precipice..	April 1, 1916	Monte Colombara.....	Austrian officer.....	Cattellani's Report, p. 52.
Extract from Army Order:— "Enemy cars belonging to the Medical Corps have hitherto been allowed to work within range of our guns. In future warning shots will be fired by our artillery or machine guns, and if no notice is taken, they will be fired on"	Oct. 5, 1915	Italian front.....	Austrian military authorities	Cattellani's Report, p. 54.
SERBIA				
Especially at time of Austrian first offensive; Serbian wounded massacred in the most savage manner, with bayonets, knives, butt of rifles; wounded mutilated; some impaled	1914.....	Jovanovatz and other places.	Austrian troops.....	First Report of Dr. Reiss. Rapport de la Commission d'enquête serbe, p. 3.
Similar conduct. Massacred also whole groups of wounded, by fastening them together. 114 wounded thus treated	1915.....	Chtip and other places.....	Bulgarian troops.....	Rapport de la Commission Interalliée, p. 4 (and Annexes au Rapport).

26.—USE OF DELETERIOUS AND ASPHYXIATING GASES

FRANCE				
Asphyxiating Gas.				
The Germans first used this on the Belgian front on April 22, 1915. Their soldiers were provided with respirators, whereas the Allies were taken completely by surprise	April 22, 1915.	Near Ypres.....	German troops.....	4th Report of French Commission of Enquiry, Nos. 330 *et seq.*

27.—USE OF EXPLOSIVE AND EXPANDING BULLETS, AND OTHER INHUMAN APPLIANCES

BELGIUM				
Explosive bullets.....	Aug. 25, 1914..	Werchter.....	German troops.....	7th Report of Belgian Commission of Enquiry.
Expanding bullets.....	Sept. 10, 1914.	Lubbeck.....	" "	" "
	Sept. 26, 1914.	Ninove.....	" "	" "
	Sept. 27, 1914.	Alost.....	" "	" "

[1] See also under Nos. 21 and 22.

27.—USE OF EXPLOSIVE AND EXPANDING BULLETS, AND OTHER INHUMAN APPLIANCES—Continued.

Particulars.	Date.	Vessels attacked and place.	Authors.	Reference.
FRANCE				
Expanding Bullets.				
Reversed, truncated and explosive bullets were frequently used by the Germans. The following have, for instance, been found:—				
Reversed bullets, in the possession of a German of the 7th Infantry Regiment	Dec. 26, 1914.	Bixshoote (Belgium).....	German troops.....	3rd Report of French Commission of Enquiry, Nos. 18 *et seq.*
Truncated bullets.....	Dec. 7, 1914..	Vermelles (Pas-de-Calais)....		
Explosive bullets in the possession of a German of the 1st Yäger Battalion	Oct., 1914....	Neuf-Berquin (Nord).....		
An order issued by German General Headquarters on September 24th, 1914, instructed all German soldiers, in the event of being taken prisoner, to get rid of any bullets of this kind, such, for instance, as the German "Parabellum" revolver ammunition, so that they might not be shot by the French	Sept. 24, 1914	.....	German General Headquarters	3rd Report of French Commission of Enquiry, No. 32.
Delay-action Mines, &c.				
Before effecting their retreat in March, 1917, the Germans concealed a large number of delay-action mines, as at Bapaume, where the explosion of one of these mines killed two French deputies at the Hôtel de Ville on March 25	March, 1917..	Bapaume (Pas-de-Calais)....	German troops.....	9th Report of French Commission of Enquiry, No. 258.
At Cuts.....	.....	Cuts (Oise).....	" "	" No. 153.
At Blérancourt, &c., &c.....	.....	Blérancourt (Aisne).....	" "	" Nos. 185–191.
ITALY				
Expanding bullets.....	May 8, 1916...	Italian front.....	Austrian troops.....	Catellani's Report, p. 16.
Explosive bullets.....	On various occasions, especially	Italian front, especially the plateau of Asiago		
	Sept. 1916....	.....	"	" p. 16.
	Feb. 24, 1917.	.....	Austrian aeroplane.....	" p. 17.
	March 5, 1917.	.....	Austrian troops.....	" p. 17.
Iron clubs to finish off wounded soldiers or those rendered unconscious by poison gas	From 1916 onwards	Isonzo, Podgora, Sabotino, San-Michele	Austrian troops.....	" pp. 19–21.
ROUMANIA				
Airships scattered fruit, chocolate, sweets, children's toys and other articles that were infected with fatal germs	Unspecified..	Various towns, especially Bucharest	Enemy airmen.....	Memorandum of the Roumanian Delegation, ll. *c.*

28.—DIRECTIONS TO GIVE NO QUARTER

FRANCE				
German officers were instructed to give the following order to their troops: "From to-day onwards no more prisoners will be taken. All the prisoners, wounded or otherwise, are to be killed"	Aug. 1914....	Thiaville (Meurthe et Moselle)	German General.....	3rd Report of French Commission of Enquiry, Nos. 53-72.
ITALY				
An order to "take as few prisoners as possible," given by an Austrian general on the Italian front. The first act committed in execution of this order was the massacre of 700 Italian prisoners	Date not given	Italian front.....	Austrian General.....	Catellani's Report, p. 73.

29.—ILL-TREATMENT OF PRISONERS OF WAR AND WOUNDED

BELGIUM				
Prisoners were drawn up in files along the Meuse to protect the Germans, who marched behind them; 129 were killed not far from the prison	Aug. 23, 1914	Dinant.....	German troops.....	20th Report of Belgian Commission of Enquiry, pp. 92, 93.
Wounded prisoners killed by the Germans.....	Aug. 26, 1914	Hofstade.....	" "	21st Report of Belgian Commission of Enquiry, p. 131.
26 prisoners shot.....	Aug. 18, 1914	Aerschote.....	" "	5th Report of Belgian Commission of Enquiry, p. 65.
BRITISH EMPIRE				
Imprisonment of British soldiers under conditions of gross inhumanity. Confined in grossly overcrowded cells (sometimes underground), without sanitary accommodation of any kind, except a tub in the cell, which overflowed on to the floor where the men slept. Badly ventilated. Vermin abounded. Had starvation rations, and water was refused. In the summertime the heat was so great that the men had to strip naked. Were ill-treated and became diseased and enfeebled. Dysentery and sores were rife. The treatment was deliberate.	Jan. 1917-July 1918	Fort Macdonald (Mons-en-Barœul) near Lille, and Lille.	German authorities (names available.	British Report.
Five hundred British prisoners of war sent to a camp on the Russian Front, where they were detained under conditions that involved many deaths and terrible suffering. Terrible circumstances, in which they made a midwinter march to Latchen, up the frozen River Aa from Libau. Fearful conditions of exposure from Arctic cold and the fire of the enemy. At Latchen, subjected to brutality and want, resulting in much loss of life and permanent disablement. At the end of April only 77 men were left in the camp, of whom 47 were unfit	Feb. 1, 1917-Apr. 30, 1917	German Eastern Front (Russian occupied territory), Latchen, near Kalzman.	"	" "
The Turkish authority who ordered the march of British prisoners of war was cognisant of the sufferings it involved, and was informed of the great sufferings that were being endured. Deaths resulted. Inhuman treatment in the working camps. Inhuman reprisals on British officers at Constantinople. Inhuman treatment of British officers and others at Constantinople. Inhumanity to British officers at Changri in order to compel them to give their parole	.....	Turkey in Asia. (1.) March of British prisoners of war from Kutel-Amara to Rasal-Ain by way of Baghdad and Mosul. (2.) Prisoner-of-war working camps in Asia Minor on the Anatolian Railway. (3.) Civas. (4.) Constantinople.	Turkish authorities (names available)	" "

Particulars.	Date.	Place.	Authors.	Reference.
BRITISH EMPIRE				
Inhuman treatment of British and Indian prisoners of war.....	.....	Turkey in Asia, prisoner-of-war working camps on the Anatolian Railway	Turkish authorities (names available)	British Report
FRANCE				
Use of prisoners as shields.				
When advancing towards our lines, the Germans placed about 40 disarmed prisoners (Marine Rifles) in front of them, so as to prevent the French troops from firing	Nov. 10, 1914.	West of Dixmude (Belgium).	German troops.....	3rd Report of French Commission of Enquiry, Nos. 9–14.
Execution of about 30 prisoners of war.				
On being surrounded by the Germans, about 30 men of the 99th Infantry Regiment surrendered to an enemy lieutenant, who made them lay down their arms, step out and line up against a wall. Despite their entreaties, they were shot by a firing squad	Aug. 29, 1914.	Tiges Farm, near St. Dié....	German lieutenant.....	3rd Report of French Commission of Enquiry, Nos. 116–121.
POLAND				
Inhuman treatment of interned prisoners. Deprived of their belongings under threat of being shot. Hard labour; frequently beaten; forced to run the gauntlet; constant insults	From Aug. 1914	Various places, notably at camp of Hanover-Linden	German authorities (names known)	Report of Government Commission.
ROUMANIA				
Refused to allow neutral official visits to prisoners' camps.....	Unspecified..	Bulgarian prisoners' camps.	Bulgarian Government....	Memorandum of the Roumanian Delegation, ii, p. 2.
250 Roumanian officers completely deprived of their belongings and horribly tortured	Oct. 18–19, 1916	Rakowski station.....	Bulgarian troops.....	" "
Roumanian officers deprived for five days of food and water for refusing to take part in the construction of earthworks	Unspecified..	Oustovo, Vlaikovo, Raikovo	Bulgarian authorities.....	" "
SERBIA				
Massacre, torture, mutilation, including wounded prisoners; robbed first	1915.....	Chtip.....	Bulgarians.....	Rappora Commissiot de ln Interalliée p. 4 (and Annexes au Rapport).
150 to 200 prisoners massacred on way to military hospital; knives and bayonets used; robbed first	1915.....	Lioubotène.....	"	" p. 5.
Wounded prisoners mutilated and put to death.....	1916.....	Kaimaktchalan.....	"	" p. 5.
Prisoners robbed in internment camps, &c.; employed in the front lines	1916.....	"	"	" p. 5.
Officers also forced to do hard labour.....	1916.....	"	Bulgarian authorities.....	" p. 5.
Attempted escape punished with death.....	1916.....	"	"	" p. 51.
Prisoners forced to march for six days without food; several fell dead on the way from exhaustion. Barbarous punishments inflicted on them	1915.....	Mitrovitza-Kralievo.....	Austrian and German military authorities	Reports of Dr. Reiss.
Compelled to do work directly connected with military operations, *e. g.*, to dig trenches, to carry munitions under enemy fire	1015.....	"	"	Rapport de la Commission d'enquête serbe, p. 2.

30.—EMPLOYMENT OF PRISONERS OF WAR ON UNAUTHORISED WORKS

FRANCE				
Immediate employment of French soldiers, who had just been made prisoners and disarmed, to construct trenches under fire	Sept. 25, 1914.	Champagne front.....	German authorities.....	3rd Report of French Commission of Enquiry, No. 8.
	Nov. 10, 1914.	Dixmude.....	"	Ditto, No. 14.
ITALY				
Employment of prisoners on military works on the French front..	1917—1918....	French front, Camp Dulman.	"	Mortara's Report on Prisoners, pp. 14–17.
Employment of prisoners on the Russian front, even under fire, in munition works	1917—1918....	Russian front, Rusten Works	"	Ditto, pp. 22*24.

31.—MISUSE OF FLAGS OF TRUCE

ITALY				
After the white flag had been hoisted on an Austrian redoubt, a rapid and heavy fire from machine-guns was opened on an Italian alpine detachment which was advancing towards the redoubt	June 15, 1915..	Italian front.....	Austrian troops.....	Catellani's Report, p. 30.
The same stratagem was made use of at another point, in order to lure the Italians on to a mined area	June 16, 1915..	"	" "	" p. 30.

32.—POISONING OF WELLS

FRANCE				
Wells were frequently polluted by deliberately throwing corpses or manure into them	Feb. 23, 1917..	Bernes (Somme).....	German troops.....	9th Report of French Commission of Enquiry, Nos. 191, 227, 238, 244, &c.
	March 1917...	Rouy-le-Petit (Somme).....	" "	
	March 1917...	Nesle (Somme).....	" "	

ANNEX II.

Memorandum of Reservations presented by the Representatives of the United States to the Report of the Commission on Responsibilties, April 4, 1919.

The American members of the Commission on Responsibilities, in presenting their reservations to the report of the Commission, declare that they are as earnestly desirous as the other members of the Commission that those persons responsible for causing the Great War and those responsible for violations of the laws and customs of war should be punished for their crimes, moral and legal. The differences which have arisen between them and their colleagues lie in the means of accomplishing this common desire. The American members therefore submit to the Conference on the Preliminaries of Peace a memorandum of the reasons for their dissent from the report of the Commission and from certain provisions for insertion in Treaties with enemy countries, as stated in Annex IV, and suggestions as to the course of action which they consider should be adopted in dealing with the subjects upon which the Commission on Responsibilities was directed to report.

Preliminary to a consideration of the points at issue and the irreconcilable differences which have developed and which make this dissenting report necessary, we desire to express our high appreciation of the conciliatory and considerate spirit manifested by our colleagues throughout the many and protracted sessions of the Commision. From the first of these, held on February 3, 1919, there was an earnest purpose shown to compose the differences which existed, to find a formula acceptable to all, and to render, if possible, a unanimous report. That this purpose failed was not because of want of effort on the part of any member of the Commission. It failed because, after all the proposed means of adjustment had been tested with frank and open minds, no practicable way could be found to harmonise the differences without an abandonment of principles which were fundamental. This the representatives of the United States could not do and they could not expect it of others.

In the early meetings of the Commission and the three Sub-Commissions appointed to consider various phases of the subject submitted to the Commission, the American members declared that there were two classes of responsibilities, those of a legal nature and those of a moral nature, that legal offences were justiciable and liable to trial and punishment by appropriate tribunals, but that moral offences, however iniquitous and infamous and however terrible in their results, were beyond the reach of judicial procedure, and subject only to moral sanctions.

While this principle seems to have been adopted by the Commission in the report so far as the responsibility for the authorship of the war is concerned, the Commission appeared unwilling to apply it in the case of indirect responsibility for violations of the laws and customs of war committed after the outbreak of the war and during its course. It is respectfully submitted that this inconsistency was due in large measure to a determination to punish certain persons, high in authority, particularly the heads of enemy States, even though heads of States were not hitherto legally responsible for the atrocious acts committed by subordinate

authorities. To such an inconsistency the American members of the Commission were unwilling to assent, and from the time it developed that this was the unchangeable determination of certain members of the Commission they doubted the possibility of a unanimous report. Nevertheless, they continued their efforts on behalf of the adoption of a consistent basis of principle, appreciating the desirability of unanimity if it could be attained. That their efforts were futile they deeply regret.

With the manifest purpose of trying and punishing those persons to whom reference has been made, it was proposed to create a high tribunal with an international character, and to bring before it those who had been marked as responsible, not only for directly ordering illegal acts of war, but for having abstained from preventing such illegal acts.

Appreciating the importance of a judicial proceeding of this nature, as well as its novelty, the American Representatives laid before the Commission a memorandum upon the constitution and procedure of a tribunal of an international character which, in their opinion, should be formed by the union of existing national military tribunals or commissions of admitted competence in the premises. And in view of the fact that 'customs' as well as 'laws' were to be considered, they filed another memorandum, attached hereto, as to the principles which should, in their opinion, guide the Commission in considering and reporting on this subject.

The practice proposed in the memorandum as to the military commissions was in part accepted, but the purpose of constituting a high tribunal for the trial of persons exercising sovereign rights was persisted in, and the abstention from preventing violations of the laws and customs of war and of humanity was insisted upon. It was frankly stated that the purpose was to bring before this tribunal the ex-Kaiser of Germany, and that the jurisdiction of the tribunals must be broad enough to include him even if he had not directly ordered the violations.

To the unprecedented proposal of creating an international criminal tribunal and to the doctrine of negative criminality the American members refused to give their assent.

On January 25, 1919, the Conference on the Preliminaries of Peace in plenary session recommended the appointment of a Commission to examine and to report to the Conference upon the following five points:—

1. The responsibility of the authors of the war.
2. The facts as to the violations of the laws and customs of war committed by the forces of the German Empire and its allies, on land, on sea, and in the air during the present war.
3. The degree of responsibility for these crimes attaching to particular members of the enemy forces, including members of the General Staffs, and other individuals, however highly placed.
4. The constitution and procedure of a tribunal appropriate for the trial of these offences.
5. Any other matters cognate or ancillary to the above points which may arise in the course of the enquiry, and which the Commission finds it useful and relevant to take into consideration.

I

The conclusions reached by the Commission as to the responsibility of the authors of the war, with which the Representatives of the United States agree, are thus stated:—

The war was premeditated by the Central Powers, together with their Allies, Turkey and Bulgaria, and was the result of acts deliberately committed in order to make it unavoidable.

Germany, in agreement with Austria-Hungary, deliberately worked to defeat all the many conciliatory proposals made by the *Entente* Powers and their repeated efforts to avoid war.

The American Representatives are happy to declare that they not only concur in these conclusions, but also in the process of reasoning by which they are reached and justified. However, in addition to the evidence adduced by the Commission, based for the most part upon official memoranda issued by the various Governments in justification of their respective attitudes towards the Serbian question and the war which resulted because of the deliberate determination of Austria-Hungary and Germany to crush that gallant little country which blocked the way to the Dardanelles and to the realisation of their larger ambitions, the American Representatives call attention to four documents, three of which have been made known by His Excellency Milenko R. Vesnitch, Serbian Minister at Paris. Of the three, the first is reproduced for the first time, and two of the others were only published during the sessions of the Commission.

The first of these documents is a report of Von Wiesner, the Austro-Hungarian agent sent to Serajevo to investigate the assassination at that place on June 28, 1914, of the Archduke Francis Ferdinand, heir to the Austro-Hungarian Throne, and the Duchess of Hohenberg, his morganatic wife.

The material portion of this report, in the form of a telegram, is as follows:—

"*Herr von Wiesner, to the Foreign Ministry, Vienna.*

"*Serajevo, July 13, 1914, 1.10 p. m.*

"Cognizance on the part of the Serbian Government, participation in the murderous assault, or in its preparation, and supplying the weapons, proved by nothing, nor even to be suspected. On the contrary there are indications which cause this to be rejected." [1]

The second is likewise a telegram, dated Berlin, July 25, 1914, from Count Szoegeny, Austro-Hungarian Ambassador at Berlin, to the Minister of Foreign Affairs at Vienna, and reads as follows:—

"Here it is generally taken for granted that in case of a possible refusal on the part of Serbia, our immediate declaration of war will be coincident with military operations.

"Delay in beginning military operations is here considered as a great danger because of the intervention of other Powers.

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[1] *Herr v. Wiesner an Ministerium des Aeussern in Wien.*

Sarajevo, 13. Juli 1914, 1.10 p. m.

Mitwissenschaft serbischer Regierung, Leitung an Attentat oder dessen Vorbereitung und Beistellung der Waffen, durch nichts erwiesen oder auch nur zu vermuten. Es bestehen vielmehr Anhaltspunkte, dies als ausgeschlossen anzusehen.

"We are urgently advised to proceed at once and to confront the world with a *fait accompli*." [1]

The third, likewise a telegram in cipher, marked "strictly confidential," and dated Berlin, July 27, 1914, two days after the Serbian reply to the Austro-Hungarian ultimatum and the day before the Austro-Hungarian declaration of war upon that devoted kingdom, was from the Austro-Hungarian Ambassador at Berlin to the Minister of Foreign Affairs at Vienna. The material portion of this document is as follows:—

"The Secretary of State informed me very definitely and in the strictest confidence that in the near future possible proposals for mediation on the part of England would be brought to Your Excellency's knowledge by the German Government.

"The German Government gives its most binding assurance that *it does not in any way associate itself with the proposals;* on the contrary, it is absolutely opposed to their consideration and only transmits them in compliance with the English request." [2]

Of the English propositions, to which reference is made in the above telegram, the following may be quoted, which, under date July 30, 1914, Sir Edward Grey, Secretary of State for Foreign Affairs, telegraphed to Sir Edward Goschen, British Ambassador at Berlin:—

"If the peace of Europe can be preserved, and the present crisis safely passed, my own endeavour will be to promote some arrangement to which Germany could be a party, by which she could be assured that no aggressive or hostile policy would be pursued against her or her allies by France, Russia, and ourselves, jointly or separately." [3]

While comment upon these telegrams would only tend to weaken their force and effect, it may nevertheless be observed that the last of them was dated two days before the declaration of war by Germany against Russia, which might have been prevented, had not Germany, flushed with the hope of certain victory and of the fruits of conquest, determined to force the war.

The report of the Commission treats separately the violation of the neutrality of Belgium and of Luxemburg, and reaches the conclusion, in which the American Representatives concur, that the neutrality of both of these countries was deliberately violated. The American Representatives believe, however, that it is not enough to state or to hold with the Commission that "the war was premeditated by the Central Powers," that "Germany, in agreement

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[1] *Graf Szoegeny an Minister des Aeussern in Wien.*

(285.) *Berlin, 25. Juli 1914.*

Hier wird allgemein vorausgesetzt, dass auf eventuelle abweisende Antwort Serbiens sofort unsere Kriegserklärung verbunden mit kriegischen Operationen erfolgen werde.

Man sieht hier in jeder Verzögerung des Beginnes der kriegerischen Operationen grosse Gefahr betreffs Einmischung anderer Mächte.

Man rät uns dringendst sofort vorzugehen und Welt vor ein *fait accompli* zu stellen.

[2] *Graf Szoegeny an Ministerium des Aeussern in Wien.*

(307, Streng vertraulich.) *Berlin, 27. Juli 1914.*

Staatssecretär erklärte mir in streng vertraulicher Form sehr entschieden, dass in der nächsten Zeit eventuelle Vermittlungsvorschläge Englands durch die deutsche Regierung zur Kenntnis Euer Exc. gebracht würden.

Die deutsche Regierung versichere auf das Bündigste, *dass sie sich in keiner Weise mit den Vorschlägen identifiziere*, sogar entschieden gegen derer Berücksichtigung sei, und dieselben nur, um der englischen Bitte Rechnung zu tragen, weitergebe.

[3] British Parliamentary Papers, "Miscellaneous, No. 10 (1915)," "Collected Documents relating to the Outbreak of the European War," p. 78.

with Austria-Hungary, deliberately worked to defeat all the many conciliatory proposals made by the *Entente* Powers and their repeated efforts to avoid war," and to declare that the neutrality of Belgium, guaranteed by the Treaty of the 19th of April, 1839, and that of Luxemburg, guaranteed by the Treaty of the 11th of May, 1867, were deliberately violated by Germany and Austria-Hungary. They are of the opinion that these acts should be condemned in no uncertain terms and that their perpetrators should be held up to the execration of mankind.

II

The second question submitted by the Conference to the Commission requires an investigation of and a report upon 'the facts as to breaches of the laws and customs of war committed by the forces of the German Empire and their Allies, on land, on sea, and in the air, during the present war.' It has been deemed advisable to quote again the exact language of the submission in that it is at once the authority for and the limitation of the investigation and report to be made by the Commission. Facts were to be gathered, but these facts were to be not of a general but of a very specific kind, and were to relate to the violations or 'breaches of the laws and customs of war.' The duty of the Commission was, therefore, to determine whether the facts found were violations of the laws and customs of war. It was not asked whether these facts were violations of the laws or of the principles of humanity. Nevertheless, the report of the Commission does not, as in the opinion of the American Representatives it should, confine itself to the ascertainment of the facts and to their violation of the laws and customs of war, but, going beyond the terms of the mandate, declares that the facts found and acts committed were in violation of the laws and of the elementary principles of humanity. The laws and customs of war are a standard certain, to be found in books of authority and in the practice of nations. The laws and principles of humanity vary with the individual, which, if for no other reason, should exclude them from consideration in a court of justice, especially one charged with the administration of criminal law. The American Representatives, therefore, objected to the references to the laws and principles of humanity, to be found in the report, in what they believed was meant to be a judicial proceeding, as, in their opinion, the facts found were to be violations or breaches of the laws and customs of war, and the persons singled out for trial and punishment for acts committed during the war were only to be those persons guilty of acts which should have been committed in violation of the laws and customs of war. With this reservation as to the invocation of the principles of humanity, the American Representatives are in substantial accord with the conclusions reached by the Commission on this head that:

1. The war was carried on by the Central Empires, together with their Allies, Turkey and Bulgaria, by barbarous or illegitimate methods in violation of the established laws and customs of war and the elementary principles of humanity.

2. A Commission should be created for the purpose of collecting and classifying systematically all the information already had or to be obtained, in order to prepare as complete a list of facts as possible concerning the violations of the laws and customs of war committed by the forces of the German Empire and its allies, on land, on sea, and in the air, in the course of the present war.

However, in view of the recommendation that a Commission be appointed to collect further information, the American Representatives believe that they should content themselves with a mere expression of concurrence as to the statements contained in the report upon which these conclusions are based.

III

The third question submitted to the Commission on Responsibilities requires an exprsesion of opinion concerning "the degree of responsibility for these offences attaching to particular members of the enemy forces, including members of the General Staffs, and other individuals, however highly placed." The conclusion which the Commission reached, and which is stated in the report, is to the effect that "all persons belonging to enemy countries, however high their position may have been, without distinction of rank, including Chiefs of States, who have been guilty of offences against the laws and customs of war or the laws of humanity, are liable to criminal prosecution." The American Representatives are unable to agree with this conclusion, in so far as it subjects to criminal, and, therefore, to legal prosecution, persons accused of offences against "the laws of humanity," and in so far as it subjects Chiefs of States to a degree of responsibility hitherto unknown to municipal or international law, for which no precedents are to be found in the modern practice of nations.

Omitting for the present the question of criminal liability for offences against the laws of humanity, which will be considered in connection with the law to be administered in the national tribunals and the Hight Court, whose constitution is recommended by the Commission, and likewise reserving for discussion in connection with the High Court the question of the liability of a chief of State to criminal prosecution, a reference may properly be made in this place to the masterly and hitherto unanswered opinion of Chief Justice Marshall, in the case of the *Schooner Exchange* v. *McFaddon and Others* (7 Cranch, 116), decided by the Supreme Court of the United States in 1812, in which the reasons are given for the exemption of the sovereign and of the sovereign agent of a State from judicial process. This does not mean that the head of the State, whether he be called emperor, king, or chief executive, is not responsible for breaches of the law, but that he is responsible not to the judicial but to the political authority of his country. His act may and does bind his country and render it responsible for the acts which he has committed in its name and its behalf, or under cover of its authority; but he is, and it is submitted that he should be, only responsible to his country, as otherwise to hold would be to subject to foreign countries, a chief executive, thus withdrawing him from the laws of his country, even its organic law, to which he owes obedience, and subordinating

him to foreign jurisdictions to which neither he nor his country owes allegiance or obedience, thus denying the very conception of sovereignty.

But the law to which the head of the State is responsible is the law of his country, not the law of a foreign country or group of countries; the tribunal to which he is responsible is the tribunal of his country, not of a foreign country or group of countries, and the punishment to be inflicted is the punishment prescribed by the law in force at the time of the commission of the act, not a punishment created after the commission of the act.

These observations the American Representatives believe to be applicable to a head of a State actually in office and engaged in the performance of his duties. They do not apply to a head of a State who has abdicated or has been repudiated by his people. Proceedings against him might be wise or unwise, but in any event they would be against an individual out of office and not against an individual in office and thus in effect against the State.

The American Representatives also believe that the above observations apply to liability of the head of a State for violations of positive law in the strict and legal sense of the term. They are not intended to apply to what may be called political offences and to political sanctions.

These are matters for statesmen, not for judges, and it is for them to determine whether or not the violators of the Treaties guaranteeing the neutrality of Belgium and of Luxemburg should be subjected to a political sanction.

However, as questions of this kind seem to be beyond the mandate of the Conference, the American Representatives consider it unnecessary to enter upon their discussion.

IV

The fourth question calls for an investigation of and a report upon "the constitution and procedure of a tribunal appropriate for the trial of these offences." Apparently the Conference had in mind the violations of the laws and customs of war, inasmuch as the Commission is required by the third submission to report upon "the degree of responsibility for these offenses attaching to particular members of the enemy forces, including members of the General Staffs and other individuals, however highly placed." The fourth point relates to the constitution and procedure of a tribunal appropriate for the investigation of these crimes, and to the trial and punishment of the persons accused of their commission, should they be found guilty. The Commission seems to have been of the opinion that the tribunal referred to in the fourth point was to deal with the crimes specified in the second and third submissions, not with the responsibility of the authors of the war, as appears from the following statement taken from the report:—

> On the whole case, including both the acts which brought about the war and those which accompanied its inception, particularly the violation of the neutrality of Luxemburg and of Belgium, the Commission is of the opinion that it would be right for the Peace Conference, in a matter so unprecedented, to adopt special measures, and even to create a special organ in order to deal as they deserve with the authors of such acts.

This section of the report, however, deals not only with the laws and customs of war—improperly adding "and of the laws of humanity"—but also with the "acts which provoked the war and accompanied its inception," which either in whole or in part would appear to fall more appropriately under the first submission relating to the "responsibility of the authors of the war."

Of the acts which provoked the war and accompanied its inception, the Commission, with special reference to the violation of the neutrality of Luxemburg and of Belgium, says: "We therefore do not advise that the acts which provoked the war should be charged against their authors and made the subject of proceedings before a tribunal." And a little later in the same section the report continues: "The Commission is nevertheless of opinion that no criminal charge can be made against the responsible authorities or individuals, and notably the ex-Kaiser, on the special head of these breaches of neutrality, but the gravity of these gross outrages upon the law of nations and international good faith is such that the Commission thinks they should be the subject of a *formal condemnation by the Conference.*" The American Representatives are in thorough accord with these views, which are thus formally stated in the first two of the four conclusions under this heading:—

> The acts which brought about the war should not be charged against their authors or made the subject of proceedings before a tribunal.
>
> On the special head of the breaches of the neutrality of Luxemburg and Belgium, the gravity of these outrages upon the principles of the law of nations and upon international good faith is such that they should be made the subject of a formal condemnation by the Conference.

If the report had stopped here, the American Representatives would be able to concur in the conclusions under this heading and the reasoning by which they were justified, for hitherto the authors of war, however unjust it may be in the form of morals, have not been brought before a court of justice upon a criminal charge for trial and punishment. The report specifically states: (1) That "a war of aggression may not be considered as an act directly contrary to positive law, or one which can be successfully brought before a tribunal such as the Commission is authorised to consider under its Terms of Reference"; the Commission refuses to advise (2) "that the acts which provoked the war should be charged against their authors and made the subject of proceedings before a tribunal"; it further holds (3) that "no criminal charge can be made against the responsible authorities or individuals, and notably the ex-Kaiser, on the special head of these breaches of neutrality." The American Representatives, accepting each of these statements as sound and unanswerable, are nevertheless unable to agree with the third of the conclusions based upon them:—

> On the whole case, including both the acts which brought about the war and those which accompanied its inception, particularly the violation of the neutrality of Belgium and Luxemburg, it would be right for the Peace Conference, in a matter so unprecedented, to adopt special measures, and even to create a special organ in order to deal as they deserve with the authors of such acts.

The American Representatives believe that this conclusion is inconsistent both with the reasoning of the section and with the first and second conclusions, and that "in a matter so unprecedented," to quote the exact language of the third conclusion, they are relieved from comment and criticism. However, they observe that, if the acts in question are criminal in the sense that they are punishable under law, they do not understand why the report should not advise that these acts be punished in accordance with the terms of the law. If, on the other hand, there is no law making them crimes or affixing a penalty for their commission, they are moral, not legal, crimes, and the American Representatives fail to see the advisability or indeed the appropriateness of creating a special organ to deal with the authors of such acts. In any event, the organ in question should not be a judicial tribunal.

In order to meet the evident desire of the Commission that a special organ be created, without however doing violence to their own scruples in the premises, the American Representatives proposed—

The Commission on Responsibilities recommends that:—

1. A Commission of Inquiry be established to consider generally the relative culpability of the authors of the war and also the question of their culpability as to the violations of the laws and customs of war committed during its course.
2. The Commission of Inquiry consist of two members of the five following Powers: United States of America, British Empire, France, Italy, and Japan; and one member from each of the five following Powers: Belgium, Greece, Portugal, Roumaina, and Serbia.
3. The enemy be required to place their archives at the disposal of the Commission which shall forthwith enter upon its duties and report jointly and separately to their respective Governments on the 11th November, 1919, or as soon thereafter as practicable.

The Commission, however, failed to adopt this proposal.

The fourth and final conclusion under this heading declares it to be "desirable that for the future penal sanctions should be provided for such grave outrages against the elementary principles of international law." With this conclusion the American Representatives find themselves to be in substantial accord. They believe that any nation going to war assumes a grave responsibility, and that a nation enagaging in a war of aggression commits a crime. They hold that the neutrality of nations should be observed, especially when it is guaranteed by a treaty to which the nations violating it are parties, and that the plighted word and the good faith of nations should be faithfully observed in this as in all other respects. At the same time, given the difficulty of determining whether an act is in reality one of aggression or of defence, and given also the difficulty of framing penal sanctions, where the consequences are so great or may be so great as to be incalculable, they hesitate as to the feasilibity of this conclusion, from which, however, they are unwilling formally to dissent.

With the portion of the report devoted to the "constitution and procedure of a tribunal appropriate for the trial of these offences," the American Representatives are unable to agree, and their views

differ so fundamentally and so radically from those of the Commission that they found themselves obliged to oppose the views of their colleagues in the Commission and to dissent from the statement of those views as recorded in the report. The American Representatives, however, agree with the introductory paragraph of this section, in which it is stated that "every belligerent has, according to international law, the power and authority to try the individuals alleged to be guilty of the crimes" constituting violations of the laws and customs of war, "if such persons have been taken prisoners or have otherwise fallen into its power." The American Representatives are likewise in thorough accord with the further provisions that "each belligerent has, or has power to set up, pursuant to its own legislation, an appropriate tribunal, military or civil, for the trial of such cases." The American Representatives concur in the view that "these courts would be able to try the incriminated persons according to their own procedure," and also in the conclusion that "much complication and consequent delay would be avoided which would arise if all such cases were to be brought before a single tribunal," supposing that the single tribunal could and should be created. In fact, these statements are not only in accord with but are based upon the memorandum submitted by the American Representatives, advocating the utilisation of the military commissions or tribunals either existing or which could be created in each of the belligerent countries, with jurisdiction to pass upon offences against the laws and customs of war committed by the respective enemies.

This memorandum already referred to in an earlier paragraph is as follows:—

1. That the military authorities, being charged with the interpretation of the laws and customs of war, possess jurisdiction to determine and punish violations thereof;
2. That the military jurisdiction for the trial of persons accused of violations of the laws and customs of war and for the punishment of persons found guilty of such offences is exercised by military tribunals;
3. That the jurisdiction of a military tribunal over a person accused of the violation of a law or custom of war is acquired when the offence was committed on the territory of the nation creating the military tribunal or when the person or property injured by the offence is of the same nationality as the military tribunal;
4. That the law and procedure to be applied and followed in determining and punishing violations of the laws and customs of war are the law and the procedure for determining and punishing such violations established by the military law of the country against which the offence is committed; and
5. That in case of acts violating the laws and customs of war involving more than one country, the military tribunals of the countries affected may be united, thus forming an international tribunal for the trial and punishment of persons charged with the commission of such offences.

In a matter of such importance affecting not one but many countries and calculated to influence their future conduct, the American Representatives believed that the nations should use the machinery

at hand, which had been tried and found competent, with a law and a procedure framed and therefore known in advance, rather than to create an international tribunal with a criminal jurisdiction for which there is no precedent, precept, practice, or procedure. They further believed that, if an act violating the laws and customs of war committed by the enemy affected more than one country, a tribunal could be formed of the countries affected by uniting the national commissions or courts thereof, in which event the tribunal would be formed by the mere assemblage of the members, bringing with them the law to be applied, namely, the laws and customs of war, and the procedure, namely, the procedure of the national commissions or courts. The American Representatives had especially in mind the case of Henry Wirz, commandant of the Confederate prison at Andersonville, Georgia, during the war between the States, who after that war was tried by a military commission, sitting in the city of Washington, for crimes contrary to the laws and customs of war, convicted thereof, sentenced to be executed, and actually executed on the 11th November, 1865.

While the American Representatives would have preferred a national military commission or court in each country, for which the Wirz case furnished ample precedent, they were willing to concede that it might be advisable to have a commission of representatives of the competent national tribunals to pass upon charges, as stated in the report:—

(*a*) Against persons belonging to enemy countries who have committed outrages against a number of civilians and soldiers of several Allied nations, such as outrages committed in prison camps where prisoners of war of several nations were congregated or the crime of forced labour in mines where prisoners of more than one nationality were forced to work.

(*b*) Against persons of authority, belonging to enemy countries, whose orders were executed not only in one area or on one battle front, but whose orders affected the conduct towards several of the Allied armies.

The American Representatives are, however, unable to agree that a mixed commission thus composed should, in the language of the report, entertain charges:—

(*c*) Against all authorities, civil or military, belonging to enemy countries, however high their position may have been, without distinction of rank, including the Heads of States, who ordered, or, with knowledge thereof and with power to intervene, abstained from preventing or taking measures to prevent, putting an end to or repressing, violations of the laws or customs of war, it being understood that no such abstention shall constitute a defence for the actual perpetrators.

In an earlier stage of the general report, indeed, until its final revision, such persons were declared liable because they 'abstained from preventing, putting an end to, or repressing, violations of the laws or customs of war.' To this criterion of liability the American Representatives were unalterably opposed. It is one thing to punish a person who committed, or, possessing the authority, ordered others to commit an act constituting a crime; it is quite another thing to punish a person who failed to prevent, to put an end to, or to repress violations of the laws or customs of war. In

one case the individual acts or orders others to act, and in so doing commits a positive offence. In the other he is to be punished for the acts of others without proof being given that he knew of the commission of the acts in question or that, knowing them, he could have prevented their commission. To establish responsibility in such cases it is elementary that the individual sought to be punished should have knowledge of the commission of the acts of a criminal nature and that he should have possessed the power as well as the authority to prevent, to put an end to, or repress them. Neither knowledge of commission nor ability to prevent is alone sufficient. The duty or obligation to act is essential. They must exist in conjunction, and a standard of liability which does not include them all is to be rejected. The difficulty in the matter of abstention was felt by the Commission, as to make abstention punishable might tend to exonerate the person actually committing the act. Therefore the standard of liability to which the American Representatives objected was modified in the last sessions of the Commission, and the much less objectionable text, as stated above, was adopted and substituted for the earlier and wholly in admissible one.

There remain, however, two reasons, which, if others were lacking, would prevent the American Representatives from consenting to the tribunal recommended by the Commission. The first of these is the uncertainty of the law to be administered, in that liability is made to depend not only upon violations of the laws and customs of war, but also upon violations 'of the laws of humanity.' The second of these reasons is that Heads of States are included within the civil and military authorities of the enemy countries to be tried and punished for violations of the laws and customs of war and of the laws of humanity. The American Representatives believe that the Commission has exceeded its mandate in extending liability to violations of the laws of humanity, inasmuch as the facts to be examined are solely violations of the laws and customs of war. They also believe that the Commission erred in seeking to subject Heads of States to trial and punishment by a tribunal to whose jurisdiction they were not subject when the alleged offence were committed.

As pointed out by the American Representatives on more than one occasion, war was and is by its very nature inhuman, but acts consistent with the laws and customs of war, although these acts are inhuman, are nevertheless not the object of punishment by a court of justice. A judicial tribunal only deals with existing law and only administers existing law, leaving to another forum infractions of the moral law and actions contrary to the laws and principles of humanity. A further objection lies in the fact that the laws and principles of humanity are not certain, varying with time, place, and circumstance, and according, it may be, to the conscience of the individual judge. There is no fixed and universal standard of humanity. The law of humanity, or the principle of humanity, is much like equity, whereof John Selden, as wise and cautious as he was learned, aptly said:

"Equity is a roguish thing. For Law we have a measure, know what to trust to; Equity is according to the conscience of him that is Chancellor, and as that is larger or narrower, so is Equity. 'Tis

all one as if they should make the standard for the measure we call a "foot" a Chancellor's foot; what an uncertain measure would this be: One Chancellor has a long foot, another a short foot, a third an indifferent foot. 'Tis the same thing in the Chancellor's conscience."

While recognising that offences against the laws and customs of war might be tried before and the perpetrators punished by national tribunals, the Commission was of the opinion that the graver charges and those involving more than one country should be tried before an international body, to be called the High Tribunal, which "shall be composed of three persons appointed by each of the following Governments:—The United States of America, the British Empire, France, Italy, and Japan, and one person appointed by each of the following Governments: Belgium, Greece, Poland, Portugal, Roumania, Serbia, and Czecho-Slovakia"; the members of this tribunal to be selected by each country "from among the members of their national courts or tribunals, civil or military, and now in existence or erected as indicated above." The law to be applied is declared by the Commission to be "the principles of the law of nations as they result from the usages established among civilized peoples, from the laws of humanity and from the dictates of public conscience." The punishment to be inflicted is that which may be imposed "for such an offence or offences by any court in any country represented on the tribunal or in the country of the convicted person." The cases selected for trial are to be determined and the prosecutions directed by "a prosecuting commission" composed of a representative of the United States of America, the British Empire, France, Italy, and Japan, to be assisted by a representative of one of the other Governments, presumably a party to the creation of the court or represented in it.

The American Representatives felt very strongly that too great attention could not be devoted to the creation of an international criminal court for the trial of individuals, for which a precedent is lacking, and which appears to be unknown in the practice of nations. They were of the opinion that an act could not be a crime in the legal sense of the word, unless it were made so by law, and that the commission of an act declared to be a crime by law could not be punished unless the law prescribed the penalty to be inflicted. They were perhaps, more conscious than their colleagues of the difficulties involved, inasmuch as this question was one that had arisen in the American Union composed of States, and where it had been held in the leading case of *United States* v. *Hudson* (7 Cranch 32), decided by the Supreme Court of the United States in 1812, that "the legislative authority of the Union must first make an act a crime, affix a punishment to it, and declare the court shall have jurisdiction of the offence." What is true of the American States must be true of this looser union which we call the Society of Nations. The American Representatives know of no international statute or convention making a violation of the laws and customs of war—not to speak of the laws or principles of humanity—an international crime, affixing a punishment to it, and declaring the court which has jurisdiction over the offence. They felt, however, that the difficulty, however great, was not insurmountable, inasmuch as the various States have declared certain acts violating the laws and customs of

war to be crimes, affixing punishments to their commission, and providing military courts or commissions within the respective States possessing jurisdiction over such offence. They were advised that each of the Allied and Associated States could create such a tribunal, if it had not already done so. Here then was at hand a series of existing tribunal or tribunals that could lawfully be called into existence in each of the Allied or Associated countries by the exercise of their sovereign powers, appropriate for the trial and punishment within their respective jurisdictions of persons of enemy nationality, who during the war committed acts contrary to the laws and customs of war, in so far as such acts affected the persons or property of their subjects or citizens, whether such acts were committed within portions of their territory occupied by the enemy or by the enemy within its own jurisdiction.

The American Representatives therefore proposed that acts affecting the persons or property of one of the Allied or Associated Governments should be tried by a military tribunal of that country; that acts involving more than one country, such as treatment by Germany of prisoners contrary to the usages and customs of war, could be tried by a tribunal either made up of the competent tribunals of the countries affected or of a commission thereof possessing their authority. In this way existing national tribunals or national commissions which could legally be called into being would be utilised, and not only the law and the penalty would be already declared, but the procedure would be settled.

It seemed elementary to the American Representatives that a country could not take part in the trial and punishment of a violation of the laws and customs of war committed by Germany and her Allies before the particular country in question had become a party to the war against Germany and her Allies; that consequently the United States could not institute a military tribunal within its own jurisdiction to pass upon violations of the laws and customs of war, unless such violations were committed upon American persons or American property, and that the United States could not properly take part in the trial and punishment of persons accused of violations of the laws and customs of war committed by the military or civil authorities of Bulgaria or Turkey.

Under these conditions and with these limitations the American Representatives considered that the United States might be a party to a High Tribunal, which they would have preferred to call, because of its composition, the Mixed or United Trbunal or Commission. They were averse to the creation of a new tribunal, of a new law, of a new penalty, which would be *ex post facto* in nature, and thus contrary to an express clause of the Constitution of the United States and in conflict with the law and practice of civilised communities. They believed, however, that the United States could co-operate to this extent by the utilisation of existing tribunals, existing laws, and existing penalties. However, the possibility of co-operating was frustrated by the insistence on the part of the majority that criminal liability should, in excess of the mandate of the Conference, attach to the laws and principles of humanity, in addition to the laws and customs of war, and that the jurisdiction of the High Court should be specifically extended to "the heads of States."

In regard to the latter point, it will be observed that the American Representatives did not deny the responsibility of the heads of States for acts which they may have committed in violation of law, including, in so far as their country is concerned, the laws and customs of war, but they held that heads of States are, as agents of the people, in whom the sovereignty of any State resides, responsible to the people for the illegal acts which they may have committed, and that they are not and that they should not be made responsible to any other sovereignty.

The American Representatives assumed, in debating this question, that from a legal point of view the people of every independent country are possessed of sovereignty, and that that sovereignty is not held in that sense by rulers; that the sovereignty which is thus possessed can summon before it any person, no matter how high his estate, and call upon him to render an account of his official stewardship; that the essence of sovereignty consists in the fact that it is not responsible to any foreign sovereignty; that in the exercise of sovereign powers which have been conferred upon him by the people, a monarch or head of State acts as their agent; that he is only responsible to them; and that he is responsible to no other people or group of people in the world.

The American Representatives admitted that from the moral point of view the head of a State, be he termed emperor, king, or chief executive, is responsible to mankind, but that from the legal point of view they expressed themselves as unable to see how any member of the Commission could claim that the head of a State exercising sovereign rights is responsible to any but those who have confided those rights to him by consent expressed or implied.

The majority of the Commission, however, was not influenced by the legal argument. They appeared to be fixed in their determination to try and punish by judicial process the "ex-Kaiser" of Germany. That there might be no doubt about their meaning, they insisted that the jurisdiction of the High Tribunal whose constitution they recommended should include the heads of States, and they therefore inserted a provision to this effect in express words in the clause dealing with the jurisdiction of the tribunal.

In view of their objections to the uncertain law to be applied, varying according to the conception of the members of the High Court as to the laws and principles of humanity, and in view also of their objections to the extent of the proposed jurisdiction of that tribunal, the American Representatives were constrained to decline to be a party to its creation. Necessarily they declined the proffer on behalf of the Commission that the United States should take part in the proceedings before that tribunal, or to have the United States represented in the prosecuting commission charged with the "duty of selecting the cases for trial before the tribunal and of directing and conducting prosecutions before it." They therefore refrained from taking further part either in the discussion of the constitution or of the procedure of the tribunal.

It was an ungracious task for the American Representatives to oppose the views of their colleagues in the matter of the trial and punishment of heads of States, when they believed as sincerely and as profoundly as any other member that the particular heads of

States in question were morally guilty, even if they were not punishable before an international tribunal, such as the one proposed, for the acts which they themselves had committed or with whose commission by others they could be justly taxed. It was a matter of great regret to the American Representatives that they found themselves subjected to criticism, owing to their objection to declaring the laws and principles of humanity as a standard whereby the acts of their enemies should be measured and punished by a judicial tribunal. Their abhorrence for the acts of the heads of States of enemy countries is no less genuine and deep than that of their colleagues, and their conception of the laws and principles of humanity is, they believe, not less enlightened than that of their colleagues. They considered that they were dealing solely with violations of the laws and customs of war, and that they were engaged under the mandate of the Conference in creating a tribunal in which violations of the laws and customs of war should be tried and punished. They therefore confined themselves to law in its legal sense, believing that in so doing they accorded with the mandate of submission, and that to have permitted sentiment or popular indignation to affect their judgment would have been violative of their duty as members of the Commission on Responsibilities.

They submit their views, rejected by the Commission, to the Conference, in full confidence that it is only through the administration of law, enacted and known before it is violated, that justice may ultimately prevail internationally, as it actually does between individuals in all civilised nations.

Memorandum on the Principles which should Determine Inhuman and Improper Acts of War

To determine the principles which should be the standard of justice in measuring the charge of inhuman or atrocious conduct during the prosecution of a war, the following propositions should be considered:—

1. Slaying and maiming of men in accordance with generally accepted rules of war are from their nature cruel and contrary to the modern conception of humanity.

2. The methods of destruction of life and property in conformity with the accepted rules of war are admitted by civilised nations to be justifiable and no charge of cruelty, inhumanity, or impropriety lies against a party employing such methods.

3. The principle underlying the accepted rules of war is the necessity of exercising physical force to protect national safety or to maintain national rights.

4. Reprehensible cruelty is a matter of degree which cannot be justly determined by a fixed line of distinction, but one which fluctuates in accordance with the facts in each case, but the manifest departure from accepted rules and customs of war imposes upon the one so departing the burden of justifying his conduct, as he is *prima facie* guilty of a criminal act.

5. The test of guilt in the perpetration of an act, which would be inhuman or otherwise reprehensible under normal conditions, is the necessity of that act to the protection of national safety or national rights measured chiefly by actual military advantage.

6. The assertion by the perpetrator of an act that it is necessary for military reasons does not exonerate him from guilt if the facts and circumstances present reasonably strong grounds for establishing the needlessness of the act or for believing that the assertion is not made in good faith.

7. While an act may be essentially reprehensible and the perpetrator entirely unwarranted in assuming it to be necessary from a military point of view, he must not be condemned as wilfully violating the laws and customs of war or the principles of humanity unless it can be shown that the act was wanton and without reasonable excuse.

8. A wanton act which causes needless suffering (and this includes such causes of suffering as destruction of property, deprivation of necessaries of life, enforced labour, &c.) is cruel and criminal. The full measure of guilt attaches to a party who without adequate reason perpetrates a needless act of cruelty. Such an act is a crime against civilisation, which is without palliation.

9. It would appear, therefore, in determining the criminality of an act, that there should be considered the wantonness or malice of the perpetrator, the needlessness of the act from a military point of view, the perpetration of a justifiable act in a needlessly harsh or cruel manner, and the improper motive which inspired it.

ROBERT LANSING.
JAMES BROWN SCOTT.

ANNEX III

Reservations by the Japanese Delegation

The Japanese Delegates on the Commission on Responsibilities are convinced that many crimes have been committed by the enemy in the course of the present war in violation of the fundamental principles of international law, and recognise that the principal responsibility rests upon individual enemies in high places. They are consequently of opinion that, in order to re-establish for the future the force of the principles thus infringed, it is important to discover practical means for the punishment of the persons responsible for such violations.

A question may be raised whether it can be admitted as a principle of the law of nations that a High Tribunal constituted by belligerents can, after a war is over, try an individual belonging to the opposite side, who may be presumed to be guilty of a crime against the laws and customs of war. It may further be asked whether international law recognises a penal law as applicable to those who are guilty.

In any event, it seems to us important to consider the consequences which would be created in the history of international law by the prosecution for breaches of the laws and customs of war of enemy heads of States before a tribunal constituted by the opposite party.

Our scruples become still greater when it is a question of indicting before a tribunal thus constituted highly-placed enemies on the sole ground that they abstained from preventing, putting an end to, or repressing acts in violation of the laws and customs of war, as is provided in clause (*c*) of section (*b*) of Chapter IV.

It is to be observed that to satisfy public opinion of the justice of the decision of the appropriate tribunal, it would be better to rely upon a strict interpretation of the principles of penal liability, and consequently not to make cases of abstention the basis of such responsibility.

In these circumstances the Japanese Delegates thought it possible to adhere, in the course of the discussions in the Commission, to a text which would eliminate from clause (*c*) of section (*b*) of Chapter IV both the words 'including the heads of States,' and the provision covering cases of abstention, but they feel some hesitation in supporting the amended form which admits a criminal liability where the accused, with knowledge and with power to intervene, abstained from preventing or taking measures to prevent, putting an end to, or repressing acts in violation of the laws and customs of war.

The Japanese Delegates desire to make clear that, subject to the above reservations, they are disposed to consider with the greatest care every suggestion calculated to bring about unanimity in the Commission.

M. ADATCI.
S. TACHI.

APRIL 4, 1919.

ANNEX IV.

Provisions for Insertion in Treaties with Enemy Governments

ARTICLE I.

The *Enemy* Government admits that even after the conclusion of peace, every Allied and Associated State may exercise, in respect of any enemy or former enemy, the right which it would have had during the war to try and punish any enemy who fell within its power and who had been guilty of a violation of the principles of the law of nations as these result from the usages established among civilised peoples, from the laws of humanity and from the dictates of public conscience.

ARTICLE II.

The *Enemy* Government recognises the right of the Allied and Associated States, after the conclusion of peace, to constitute a High Tribunal composed of members named by the Allied and Associated States in such numbers and in such proportions as they may think proper, and admits the jurisdiction of such tribunal to try and punish enemies or former enemies guilty during the war of violations of the principles of the law of nations as these result from the usages established among civilised peoples, from the laws of humanity and from the dictates of public conscience. It agrees that no trial or sentence by any of its own courts shall bar trial and sentence by the High Tribunal or by a national court belonging to one of the Allied or Associated States.

ARTICLE III.

The *Enemy* Government recognises the right of the High Tribunal to impose upon any person found guilty the punishment or punishments which may be imposed for such an offense or offences by any court in any country represented on the High Tribunal or in the country of the convicted person. The *Enemy* Government will not object to such punishment or punishments being carried out.

ARTICLE IV

The *Enemy* Government agrees, on the demand of any of the Allied or Associated States, to take all possible measures for the purpose of the delivery to the designated authority, for trial by the High Tribunal or, at its instance, by a national court of one of such Allied or Associated States, of any person alleged to be guilty of an offence against the laws and customs of war or the laws of humanity who may be in its territory or otherwise under its direction or control. No such person shall in any event be included in any amnesty or pardon.

ARTICLE V

The *Enemy* Government agrees, on the demand of any of the Allied or Associated States, to furnish to it the name of any person at any time in its service who may be described by reference to his duties or station during the war or by reference to any other description which may make his identification possible and further agrees to furnish such other information as may appear likely to be useful for the purpose of designating the persons who may be tried before the High Tribunal or before one of the national courts of an Allied or Associated State for a crime against the laws and customs of war or the laws of humanity.

ARTICLE IV

The *Enemy* Government agrees to furnish, upon the demand of any Allied or Associated State, all General Staff plans of campaign, orders, instructions, reports, logs, charts, correspondence, proceedings of courts, tribunals or investigating bodies, or such other documents or classes of documents as any Allied or Associated State may request as being likely to be useful for the purpose of identifying or as evidence for or against any person, and upon demand as aforesaid to furnish copies of any such documents.

TREATY OF PEACE WITH GERMANY.

TUESDAY, AUGUST 12, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to adjournment, at 10.30 o'clock a. m., in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), McCumber, Brandegee, Fall, Harding, New, Moses, Hitchcock, Williams, Swanson, Pomerene, and Pittman.

STATEMENT OF MR. DAVID HUNTER MILLER.

The CHAIRMAN. The committee will come to order and I will ask Mr. Miller to take the stand. Mr. Miller, will you give your full name, please, to the stenographer?

Mr. MILLER. David Hunter Miller.

The CHAIRMAN. You are now in the State Department?

Mr. MILLER. Yes, sir; special assistant in the Department of State.

The CHAIRMAN. You are a lawyer?

Mr. MILLER. Yes.

The CHAIRMAN. Will you give the name of your firm in New York?

Mr. MILLER. Miller & Auchincloss.

The CHAIRMAN. You were in Paris, were you not?

Mr. MILLER. I was.

The CHAIRMAN. And in what position there?

Mr. MILLER. I went to Paris in November, attached to the mission of Col. House, which was then in Paris. When the American commission to negotiate peace arrived in Paris, I was attached to the American commission as one of the two techincal advisers, or legal advisers, of the commission.

The CHAIRMAN. As one of the legal advisers of the commission?

Mr. MILLER. Yes, sir.

The CHAIRMAN. It was after the armistice that you arrived in Paris?

Mr. MILLER. I arrived in Paris on the 19th of November. I left before the armistice, and arrived there after the armistice.

Senator BRANDEGEE. What year?

Mr. MILLER. 1918.

The CHAIRMAN. As one of the legal advisers of our commissioners, did you have any part in drafting the American plan for the league?

Mr. MILLER. May I ask, Mr. Chairman, by "American plan" do you mean the plan which is printed in the Congressional Record?

The CHAIRMAN. The plan which was submitted by the President yesterday as the American plan, which is printed in the Congressional Record, of which I handed you a copy.

Mr. MILLER. I think not, Mr. Chairman.

The CHAIRMAN. You were not consulted about the drafting of the covenant of the league at all?

Mr. MILLER. Well, I was consulted about the drafting of the covenant, but your former question related to the American plan.

The CHAIRMAN. Yes.

Mr. MILLER. I had submitted memoranda before I saw that plan, but I was not——

The CHAIRMAN. You mean you had submitted memoranda to the American commissioners?

Mr. MILLER. My recollection is that I submitted one memorandum to Col. House before the commission arrived in Paris, and that, together with Dr. James Brown Scott, I submitted another memorandum to the commission after they arrived in Paris.

The CHAIRMAN. Those memoranda related to the covenant of the league?

Mr. MILLER. Yes, sir; they related to a league of nations.

The CHAIRMAN. They were suggestions for a league covenant?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Did you see the resolution which Mr. Lansing drafted, which he put in here yesterday, the purpose being to lay down the principles upon which the covenant of the league should be drafted?

Mr. MILLER. I am not certain as to whether I did or not, sir.

The CHAIRMAN. Do you know what became of that resolution of Mr. Lansing's, or what action was taken upon it?

Mr. MILLER. I do not.

The CHAIRMAN. When the commission arrived you submitted the memoranda in relation to the league?

Mr. MILLER. Only one memorandum. I think, after the commission arrived.

The CHAIRMAN. Was there a draft then made of the covenant of the league by the commission?

Mr. MILLER. Not that I know of, sir.

The CHAIRMAN. This plan that the President sent in yesterday—where did that come from?

Mr. MILLER. I suppose it came from the President. I saw it in printed form, as I recollect, in Paris.

The CHAIRMAN. You saw it then for the first time?

Mr. MILLER. After it was printed.

The CHAIRMAN. After it was printed—and did you have any discussion in regard to it?

Mr. MILLER. I discussed it with Col. House.

The CHAIRMAN. Was that plan that you then saw the same as the one in the printed form? I do not expect you to cover every detail, of course, but generally, was it the same?

Mr. MILLER. I have looked at it very hastily. It appears to me to be the same.

The CHAIRMAN. After that was submitted to you in printed form, I mean after it was shown to you in printed form by the President, there were no changes made in it?

Mr. MILLER. I do not quite understand.

The CHAIRMAN. I understood you to say that you first saw this plan in printed form, laid before the commission by the President.

Mr. MILLER. Yes.

The CHAIRMAN. And I wanted to find out whether it was substantially the same. You think it was the same?

Mr. MILLER. I think the plan that I saw was the same as this plan which is printed in the record, although I have not read this with enough care to be positive as to that point.

The CHAIRMAN. No changes were made by the commission in the plan submitted by the President?

Mr. MILLER. Not that I know of. There was a subsequent draft submitted to the commission on the league of nations.

The CHAIRMAN. But this draft that we have here was not the draft submitted?

Senator BRANDEGEE. Submitted to whom?

The CHAIRMAN. To the commission on the league of nations appointed by the peace conference.

Mr. MILLER. I did not say that, or at least I did not intend to say that.

The CHAIRMAN. What became of this plan?

Mr. MILLER. I think it was submitted to the other members of the commission.

The CHAIRMAN. Of the American commission?

Mr. MILLER. Of the commission on the league of nations.

The CHAIRMAN. The commission on the league of nations appointed by the peace conference?

Mr. MILLER. I believe so. I did not personally have anything to do with that.

The CHAIRMAN. I had understood that you had some part in drafting the league of nations as it finally appeared.

Mr. MILLER. I did.

The CHAIRMAN. That is, as reported by the commission?

Mr. MILLER. Yes.

The CHAIRMAN. Did you appear before that commission?

Mr. MILLER. I was present at its meetings—that is, at the meetings of the commission on the league of nations of the peace conference.

The CHAIRMAN. That was composed of how many persons?

Mr. MILLER. At the beginning it was composed of, I think, 15 persons, but after two or three meetings four other powers were represented, so that it became composed of 19 persons.

The CHAIRMAN. And that was the commission which drafted the covenant of the league as it now appears?

Mr. MILLER. It was.

The CHAIRMAN. Were the American plan and the Italian plan and the British plan and the French plan all submitted to that commission?

Mr. MILLER. I believe they were.

The CHAIRMAN. What became of the other plans? Do you know? The President stated to us at the White House in March that the British plan was submitted as the foundation. That is, were the other plans withdrawn, or were they simply laid aside?

Mr. MILLER. No; they were not laid aside. They were there.

The CHAIRMAN. They took the British plan as the foundation for the work of the league commission, did they?

Mr. MILLER. No. The plan that was taken as the basis of discussion——

The CHAIRMAN. Yes; that is what I mean——

Mr. MILLER. Was not the British plan.

The CHAIRMAN. Whose plan was it?

Mr. MILLER. I think it was a combination of various features of various plans.

Senator PITTMAN. Mr. Chairman, I was present at the meeting at the White House to which you refer, and I want to go on record as saying that my memory does not serve me to the extent of remembering that the President stated that the British plan was taken as the foundation for the formation of the league. I understood the President to say at that time that it appeared that it was possibly more nearly like the British plan than others, but I certainly did not understand him to say that the British plan was taken as the plan.

The CHAIRMAN. I understood him to say that there were these four plans; that they were in agreement on the fundamental principles, but that the British plan was the basis of the covenant subsequently developed. That is what I understood him to say.

Mr. MILLER. I did not understand it that way.

Senator BRANDEGEE. I want to add my recollection of that meeting, because I am very positive about it. I made a statement about it at the time, the next day after the President talked with us; and my recollection of what he said is clear and positive, to the effect that he said that the plan proposed by Gen. Smuts was the plan that had been mostly before the commission, and that while that had not been adopted just as presented, it furnished a basis for the plan that was finally adopted.

Senator WILLIAMS. A skeleton structure.

Senator BRANDEGEE. Yes; words to that effect. He certainly mentioned the fact that the plan proposed by Gen. Smuts was the plan that the commission used in building up what turned out to be their report in favor of a covenant for a league of nations, and that the American plan and the other plans had been laid aside or put aisde. He did not say whether there had been any formal vote taken upon that or not. He said that the Italian plan had not been a complete plan, but was more of a skeleton of principles than it was a detailed plan.

Mr. MILLER. It was more a statement in the nature of a statement of principles.

Senator MCCUMBER. I wanted to ask the witness whether it was his understanding that the plan that was proposed by Gen. Smuts was the plan that was followed to a greater extent than any other?

Mr. MILLER. The plan that was proposed by Gen. Smuts was printed. It was available to anyone, printed, I think, in the paper, as well as in a pamphlet. The plan that was taken as a basis of discussion by the commission was a plan which was modeled, to some extent, on the other plans, but was not the Gen. Smuts plan itself.

Senator MCCUMBER. When you speak of the British plan, do you mean to be understood as speaking of the Gen. Smuts plan?

Mr. MILLER. Yes, generally; although I think there was another British pamphlet which embodied it.

Senator McCUMBER. But generally, when you speak of the British plan, you refer to the plan submitted by Gen. Smuts, do you?

Mr. MILLER. Yes.

Senator McCUMBER. I ask that in order that I may understand your testimony.

Mr. MILLER. Yes.

Senator BRANDEGEE. Mr. Chairman, I did not mean to interrupt your examination. I simply want to ask the witness one question, and then I will hand him back to you.

The CHAIRMAN. Certainly.

Senator BRANDEGEE. Mr. Miller, you speak of being present at the proceedings of the commission, which was a committee, I suppose, of the delegates who were represented at the peace conference. It was called a commission, but was really a committee of that body was it not, composed of 15 persons?

Mr. MILLER. We would probably call it a committee, but they call it a commission over there.

Senator BRANDEGEE. I get the idea.

Mr. MILLER. Of 19 members.

Senator BRANDEGEE. It was another name for what we would call a committee here?

Mr. MILLER. They call it a commission when it is rather large.

Senator BRANDEGEE. Very good. You said you were present there while they considered the formulation of the plan which they finally proposed?

Mr. MILLER. Yes.

Senator BRANDEGEE. What I wanted to know was, did you regularly attend their meetings? Were you present at all of them or the greater part of them, or only once or twice?

Mr. MILLER. I was present at all of them. I was not a member of the commission.

Senator BRANDEGEE. I understand that. You were there as an adviser?

Mr. MILLER. As legal adviser of the President; yes, sir.

Senator FALL. Mr. Chairman, if the Chair will pardon me just a moment, as we appear to be making records here——

The CHAIRMAN. Certainly.

Senator FALL. My reason for declining to attend this conference at the White House which the other Members have testified that they attended is brought out by the records which have been made here this morning. I felt that we would differ in our recollection of what occurred, that there would be various opinions of what occurred, and that that difference would possibly be embarrassing both to the Senate committee and to the President of the United States, and that was one of the reasons why I declined to attend that conference at the White House.

The CHAIRMAN. Is it not true, Mr. Miller, that comparison shows that a good deal of the covenant, as now presented, was exactly like what was printed in this Smuts plan?

Mr. MILLER. I think some of it is, but I would not say that a good deal of it is exactly like it.

Senator HITCHCOCK. Is the present league a sort of composite of various plans that were submitted?

Mr. MILLER. Yes, Senator; and it is the composite of previous ideas also, such as the so-called Bryan peace treaties.

The CHAIRMAN. You mean those arbitration treaties of Mr. Bryan?

Mr. MILLER. I mean the 30 treaties which were negotiated by the United States Government, of which 20 were ratified by the Senate.

The CHAIRMAN. Those were very brief treaties and dealt with only one thing.

Mr. MILLER. True, Mr. Chairman, but the principle of those treaties is very similar to one of the principles of the covenant.

The CHAIRMAN. One of the principles of the covenant? Surely those Bryan treaties do not cover all the things in the covenant?

Mr. MILLER. Oh, no; I did not intend so to state, of course.

Senator HITCHCOCK. You are referring to the provisions of the covenant which prohibit war within three months after the period of arbitration or investigation by the council?

Mr. MILLER. I refer to that, Senator. The so-called treaties for the advancement of peace do not provide for compulsory arbitration. Neither does the covenant. They do provide for an international inquiry into any cause of difference whatsoever, in the most sweeping language, without any exception. There is a similar provision in the covenant. They contain a covenant not to go to war pending that inquiry. There is a similar provision in the covenant.

The treaties for the advance of peace provide that the international commission shall have one year in which to conduct its inquiry. The covenant makes that period six months.

The international commissions provided by the treaties for the advancement of peace are composed of five members, of which only one could be an American. That is very similar to the provision for inquiry by the council, on which the United States is represented by one member.

Some of the treaties for the advancement of peace provide for a further period of six months after the report of the commission in which the parties agree not to go to war, and the treaties for the advancement of peace provide that the report of the international commission may be made by a majority. The covenant provides that only in the case of a report which is unanimous, except for the parties, is there an agreement not to go to war.

The treaties for the advancement of peace reserve liberty of action after the report, subject to six months' exception in some cases, which I have mentioned, and the covenant is similar except in the one case of the report which is unanimous, aside from the parties, in which there is a covenant not to go to war against a state which accepts the ananimous recommendation.

The CHAIRMAN. Were not the Byron treaties substantially arbitration treaties?

Mr. MILLER. I do not think so, at all.

The CHAIRMAN. Do you think they established a league of nations?

Mr. MILLER. I do not.

Senator BRANDEGEE. Mr. Miller, what did you say your law firm's name was?

Mr. MILLER. Miller & Auchincloss.

Senator BRANDEGEE. Is that all of it?

Mr. MILLER. Yes, sir.

Senator BRANDEGEE. What Auchincloss is that? What is his first name?

Mr. MILLER. Gordon.

Senator BRANDEGEE. Does he hold any position abroad now?

Mr. MILLER. I believe not. He was in the State Department and resigned on the 1st of July.

Senator BRANDEGEE. He has been abroad, has he not?

Mr. MILLER. Yes, sir.

Senator BRANDEGEE. What was he doing there?

Mr. MILLER. He was private secretary to Col. House.

Senator BRANDEGEE. Is he related to Col. House?

Mr. MILLER. He is his son-in-law.

Senator BRANDEGEE. And your partner?

Mr. MILLER. I so stated.

Senator BRANDEGEE. What has been your experience as an international lawyer?

Mr. MILLER. I have been connected with the State Department since the United States went into the war, or shortly afterwards.

Senator BRANDEGEE. In what capacity?

Mr. MILLER. As special assistant of the Department of State.

Senator BRANDEGEE. Before you went into the State Department what had been your experience as an international lawyer?

Mr. MILLER. I had a general practice in New York. To some extent it was European.

Senator BRANDEGEE. Well, I mean advising commissions of different countries?

Mr. MILLER. No, sir.

Senator BRANDEGEE. Your firm had a general law practice in New York?

Mr. MILLER. Yes.

Senator BRANDEGEE. Had you personally had any special experience as an international lawyer representing Governments before commissions, making treaties, or anything of that kind?

Mr. MILLER. Not prior to my entrance into the State Department.

Senator BRANDEGEE. What is the name of your position that you occupied when you sat with the commission on the covenant of the league? What did you call yourself, or what were you called?

Mr. MILLER. I was technical adviser of the American commission to negotiate peace.

Senator BRANDEGEE. Do you know who recommended you for that post?

Mr. MILLER. I do not. I was appointed by Secretary Lansing. I had been appointed by him about a year previously on a committee consisting of Mr. Lester H. Woolsey, the Solicitor of the Department of State, Dr. James Brown Scott, and myself, to prepare data of a legal nature in anticipation of peace negotiations. That committee worked in Washington—I do not remember exactly the time, but for about a year previous to the arrival of the American commission in Paris.

Senator BRANDEGEE. You are not related to Col. House, are you?

Mr. MILLER. No, sir.

Senator BRANDEGEE. Do you know who prepared the American plan that the President is said to have taken to Europe with him, the draft for a plan for a league of nations?

Mr. MILLER. No, sir. I do not know that he did take such a plan.

Senator BRANDEGEE. Do you know whether there had been prepared for the President by any New York lawyers a plan for a league of nations which the President had seen?

Mr. MILLER. I have no knowledge of that.

Senator BRANDEGEE. I have been told by New York lawyers that they had seen such a plan and that they knew who drew it.

How many plans, or suggestions, or resolutions, or prospectuses for plans were presented by any American interests or any Americans for consideration by the commission of the plenary conference which was considering the covenant of the league of nations?

Mr. MILLER. Could I have that repeated?

Senator BRANDEGEE. How many drafts for a league of nations were presented by anybody to the commission which was considering the draft for a covenant for a league of nations in behalf of America? You have spoken of several yourself.

Mr. MILLER. I have spoken of two.

Senator BRANDEGEE. Yes.

Mr. MILLER. I do not know of any others.

Senator BRANDEGEE. You know that Secretary Lansing presented a resolution, do you not?

Mr. MILLER. I do not know to whom he presented it.

Senator BRANDEGEE. He stated that he presented it to the American commission; not to the committee or commission that was considering the draft in behalf of the peace conference, but to the American commission.

Mr. MILLER. Yes, sir.

Senator BRANDEGEE. Do you know anything about that?

Mr. MILLER. Senator, you spoke a moment ago about the commission of the plenary conference. You are now speaking of the American commission.

Senator BRANDEGEE. I am speaking of both. I want to know, if your recollection serves you about it, how many plans or suggestions were presented either to the American commission, our five commissioners, of which the President was the head, and Col. House was next in rank, and Secretary Lansing was a member—how many American drafts or plans or suggestions were presented to the official commission that was considering the formation of a covenant for a league of nations as an agency of the peace conference?

Mr. MILLER. So far as the American commission to negotiate peace was concerned and the plans submitted to it, I have mentioned all that I know about it, Senator, except that I suppose that a great many plans were presented by writers on the subject and sent to the commission. The volume of such matter was very large.

Senator BRANDEGEE. Was article 10, as it is now embodied in the proposed covenant for the league of nations in the treaty of Versailles, in any of these so-called American plans of propositions?

Mr. MILLER. As it now stands?

Senator BRANDEGEE. Yes.

Mr. MILLER. I think not.

Senator BRANDEGEE. Was the subject of our guaranteeing the territorial integrity or political independence of members of the league phrased in that way in any of the American propositions?

The CHAIRMAN. I will at this point read into the record Article III of the plan sent to the Senate by the President—the American plan. [Reading:]

The contracting powers undertake to respect and to protect as against external aggression the political independence and territorial integrity of all States members of the league.

That is the whole of the article. It is in the American plan which the President sends us.

Senator BRANDEGEE. You are familiar with that, are you not, Mr. Miller, that Senator Lodge has just read?

Mr. MILLER. Yes, sir.

Senator BRANDEGEE. In your opinion, as a technical expert for the commission, are not those two provisions substantially the same?

Mr. MILLER. This provision?

Senator BRANDEGEE. The one that Senator Lodge just read and the one that is in the treaty, article 10.

Mr. MILLER. I think there is considerable difference between article 10 and Article III, which the chairman has just read from the Congressional Record of yesterday.

Senator BRANDEGEE. Well, I would be glad to have your idea of the difference.

The CHAIRMAN. Let me read article 10 so that they may be side by side [reading]:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.

That is the first sentence of article 10. I will repeat Article III [reading]:

The contracting powers undertake to respect and to protect as against external aggression the political independence and territorial integrity of all States members of the league.

Senator BRANDEGEE. Now, you may answer, Mr. Miller.

Mr. MILLER. Well, the first sentence of article 10 differs from article 3 in containing the word "existing," and otherwise in phraseology.

Senator BRANDEGEE. Will you pardon me there a minute. You interpret the words "existing political independence" to mean existing political independence that may exist at the time the treaty is ratified, if it is ratified. The treaty speaks from the date of its ratification, does it not?

Mr. MILLER. The treaty goes into force when ratified by certain powers as therein provided.

Senator BRANDEGEE. Yes.

Mr. MILLER. As to "existing political independence" I think it would relate back to the date of signature.

Senator BRANDEGEE. I do not get you.

Mr. MILLER. As to "existing," I think it would relate back to the date of signature.

Senator SWANSON. I understand the treaty when ratified goes back to the date of signature.

Senator BRANDEGEE. I want to get the witness's idea. He is the international lawyer of the commission. Suppose the treaty is signed at different dates by the different signatories. Then what does "existing" mean?

Senator HITCHCOCK. They were all signed the same date.

Senator BRANDEGEE. Please let me examine him. You will have plenty of time.

Senator HITCHCOCK. I thought possibly you used language you did not intend. You said "ratify."

Senator BRANDEGEE. No; I did not. He said the word "existing" relates back to the date of signature. Now, I asked him if the signatures——

Senator HITCHCOCK. You are supposing an impossibility.

Senator BRANDEGEE. What do you mean by signatures? Signatures by whom?

Mr. MILLER. By the contracting parties.

The CHAIRMAN. On the 28th of June.

Senator BRANDEGEE. You think that the word "existing" relates back to that time?

Mr. MILLER. I do.

The CHAIRMAN. The 28th of June?

Mr. MILLER. Yes, sir.

Senator BRANDEGEE. Of course, China has not signed the treaty yet, and we have not signed.

Mr. MILLER. The United States has signed it.

Senator BRANDEGEE. Yes. Now, I do not know whether boundaries have been changed or will have been changed between the date of the signature of the treaty and the date of the proclamation that it has been duly ratified by the different nations; but, however that may be, it refers to the boundaries as defined by the treaty, of course. Those are the boundaries to be maintained and preserved, are they not?

Mr. MILLER. Not necessarily.

Senator BRANDEGEE. Well, can these boundaries be changed now, after the treaty has been ratified by Great Britain, in your opinion, by the peace commission?

Mr. MILLER. Certainly. There are a great many boundaries that are not described.

Senator BRANDEGEE. No; I am talking about the boundaries that are described.

Mr. MILLER. Your question is, Can a boundary be changed after the treaty goes into force?

Senator BRANDEGEE. I asked you first if the boundaries to be preserved by the signatories of the treaty are the boundaries as described in the treaty. I assumed of course that they were. What do you say to that. Are they or are they not?

Mr. MILLER. It is the territorial integrity of the members of the league—the boundaries of many members of the league are not described in the treaty at all.

Senator BRANDEGEE. I ask you if the territorial integrity which we are asked to guarantee and preserve is the territory as defined by boundaries fixed in the treaty where boundaries are fixed in the treaty?

Mr. MILLER. Yes, at present.

Senator BRANDEGEE. You do not think that the peace conference, or what is left of it now, can make any change in the boundaries that are defined in the treaty, do you?

Mr. MILLER. Not without the consent of all the parties to the treaty.

Senator BRANDEGEE. There would have to be a new treaty, would there not?

Mr. MILLER. A new agreement, certainly.

Senator BRANDEGEE. I am moved to ask that because Mr. Davis, the financial expert, the other day, if I understood his testimony

correctly, seemed to be under the impression that one of the fruits in the covenant of the league was that if any mistake had been made about fixing a boundary in the treaty it could be corrected by the league or the council of the league. You do not think that could be done, do you?

Mr. MILLER. Well, there are certain of the boundaries in the treaty which are not definitely fixed, which are fixed subject to plebiscite.

The CHAIRMAN. Which are those, Mr. Miller?

Senator BRANDEGEE. Which boundaries are not definitely fixed that we are to guarantee?

Mr. MILLER. There is a plebiscite in upper Silesia, in Schleswig, in the Saar Basin——

The CHAIRMAN. Is the plebiscite to alter the boundaries? It does not seem to read that way.

Mr. MILLER. I did not catch you.

The CHAIRMAN. The plebiscite is to determine to what country it is to belong. Does the plebiscite alter boundaries? Plebiscites alter possession but not boundaries.

Mr. MILLER. The boundaries are to be fixed in some cases by the plebiscite.

The CHAIRMAN. Are they?

Senator BRANDEGEE. Then we do not guarantee those, do we, under the language of our obligation to guarantee existing boundaries?

Mr. MILLER. May I complete my answer?

Senator BRANDEGEE. Yes, sir.

Mr. MILLER. And in the district adjacent to Belgium.

Senator BRANDEGEE. So that you consider that if we ratify the treaty we are gauranteeing to preserve boundaries that may be placed in the future, and of which we have no present knowledge, in some instances?

Mr. MILLER. I did not state that as the legal effect——

Senator BRANDEGEE. State it in your own way, and take all the time you want to, what your conception is about that.

Mr. MILLER. In the first place, I pointed out that the word "existing" does not qualify "territorial integrity," but qualifies "political independence."

Senator BRANDEGEE. I agree with you.

Mr. MILLER. "Territorial integrity and existing political independence."

Senator BRANDEGEE. What territorial integrity? The territorial integrity as of what date?

Mr. MILLER. The territorial integrity as it exists; primarily, as it exists at present.

Senator BRANDEGEE. And secondarily?

Mr. MILLER. As it may be determined pursuant to the provisions of the treaty, according to these plebiscites which I have mentioned.

The CHAIRMAN. You refer to Belgium. The second part of the treaty begins by defining the boundaries of Germany. I do not suppose you mean that the boundaries of Germany with Holland and France are to be changed, do you? There is nothing about those there. I merely asked that preliminarily. The boundary between France and Belgium and the boundary between Belgium and Holland—are those open to change?

Mr. MILLER. There is no provision for changing the boundary between France and Belgium and the boundary between Holland and Belgium.

The CHAIRMAN. I did not say that. Are they open to change by those treaties?

Mr. MILLER. The treaty makes no reference to them, Senator. They are open to change by agreement.

The CHAIRMAN. Between France and Belgium, undoubtedly.

Mr. MILLER. Yes.

The CHAIRMAN. But that is not what we are discussing. The only boundary of Belgium that is open for settlement is the boundary with Germany. Is that not true?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Now, that first one reads:

The boundaries of Germany will be determined as follows:

1. With Belgium: From the point common to the three frontiers of Belgium, Holland, and Germany and in a southerly direction; the northeastern boundary of the former territory of neutral Moresnet, then the eastern boundary of the Kreis of Eupen, then the frontier between Belgium and the Kreis of Montjoie, then the northeastern and the eastern boundary of the Kreis of Malmedy to its junction with the frontier of Luxemburg.

Do you concede that boundary to be open to further change?

Mr. MILLER. In answer to that, Mr. Chairman, I will read article 34 of the treaty [reading]:

Germany renounces in favor of Belgium all rights and title over the territory comprising the whole of the Kreise of Eupen and of Malmedy.

During the six months after the coming into force of this treaty, registers will be opened by the Belgian authority at Eupen and Malmedy in which the inhabitants of the above territory will be entitled to record in writing a desire to see the whole or part of it remain under German sovereignty.

The results of this public expression of opinion will be communicated by the Belgian Government to the league of nations, and Belgium undertakes to accept the decision of the league.

The CHAIRMAN. Yes; that is the question of settling possession. But are the boundaries to be changed?

Mr. MILLER. The boundary would be changed if a part of Eupen and of Malmedy went back to Germany.

The CHAIRMAN. Would the boundary be changed? The possession would be changed, unquestionably.

Mr. MILLER. The sovereignty would be changed.

The CHAIRMAN. Yes. I mean, are they altering these boundaries as laid down in the treaty as the boundaries of Germany and Belgium? It may go to Germany or Belgium under article 34, with which I am familiar, but the change provides for no change in the boundary line.

Mr. MILLER. But the boundary line will depend on whether it goes to one or the other.

The CHAIRMAN. There seems to be nothing depending on it but possession.

Senator MCCUMBER. What you mean is that at present under the treaty that territory is subject to Belgium.

Mr. MILLER. Yes.

Senator MCCUMBER. But subject to change as to its plebiscite?

Mr. MILLER. Yes.

Senator MCCUMBER. And therefore if a portion of it goes back to Germany after a vote, it would change the boundary of Belgium.

The CHAIRMAN. It carries the boundary with it.

Senator McCUMBER. It carries the boundary with it?

Mr. MILLER. Yes.

The CHAIRMAN. I only wanted to get what it meant.

Senator BRANDEGEE. To guarantee the territorial integrity of all members of the league would cover the preservation to the powers to whom they have been awarded under this treaty, of all the colonies taken from Germany, would it not?

Mr. MILLER. I think that would depend on the exact disposition of the colonies—the final disposition of the colonies—which is not provided in detail in the treaty.

Senator BRANDEGEE. Well, I know, but that is one of the reasons why it is important to know when the treaty speaks from—from what date. In other words, does it mean to guarantee boundaries or the territorial integrity of members of the league as that integrity existed at the time of the signing of the treaty or at the time of the proclamation of its ratification, or does it mean to guarantee, as you suggest, the territorial integrity of the members of the league as it may be added to, depending upon the result of future considerations and the award of other territory yet to come to the various members of the league?

Mr. MILLER. I think the whole treaty must be read together. The provisions which provide for the plebiscites are a part of the treaty, just as much as the provisions of article 10.

Senator BRANDEGEE. Very well, then. What I am trying to get at is whether the thing we are asked to preserve is an existing thing or is a thing that is liable to be different from what it is now, and are we guaranteeing a known thing or something that is liable to change in the future? I simply want your opinion about it, of course. I do not expect your decision will settle it——

Mr. MILLER. Naturally.

Senator BRANDEGEE. But I want to get your view of it. You were present at the consideration of the treaty.

Mr. MILLER. I think that the territorial integrity of Poland would mean the territorial integrity of Poland as it resulted from this treaty—from all its provisions.

Senator BRANDEGEE. All right.

Mr. MILLER. Including the provision as to upper Silesia and the plebiscite there.

Senator BRANDEGEE. How many powers took part in the so-called peace conference in Paris? By that I mean how many of them sent peace commissions or delegates? Do you not remember without looking it up in the book?

Mr. MILLER. The number is quite large.

Senator BRANDEGEE. How large?

Mr. MILLER. It is 27, not counting the British dominions in India, and aside from Germany.

Senator BRANDEGEE. Counting the Germans and the British dominions in India, how many?

Mr. MILLER. Counting those would make 33.

Senator BRANDEGEE. Thirty-three powers. Did they all have the same number of commissioners?

Mr. MILLER. No, sir.

Senator BRANDEGEE. Who fixed the number of commissioners who were to attend the peace conference?

Mr. MILLER. It was fixed before the invitations were sent out by the French Government to attend the conference.

Senator BRANDEGEE. You mean it was fixed by the French Government, or that the invitations were sent out by the French Government?

Mr. MILLER. The invitations, according to my recollection, were sent out by the French Government, and the number was fixed by consultation before that.

Senator BRANDEGEE. Consultation by whom?

Mr. MILLER. I do not know.

Senator BRANDEGEE. I do not want to ask you anything that you do not know. Of course, if you do not know——

Mr. MILLER. I know that the United States was consulted. I do not know how many powers were consulted, Senator.

Senator BRANDEGEE. You do not know who did the determining of how many commissioners each country should have, do you?

Mr. MILLER. Except that it was done by consultation. I do not know who participated.

Senator BRANDEGEE. Of course, somebody must have consulted and determined, but I did not know but you, being the expert legal adviser of the commission, might have known. Of course, if you do not know, just say so and I will pass on to something else.

Mr. MILLER. I know that it was discussed. I do not know who made the final decision.

Senator BRANDEGEE. If you know that it was discussed, by whom was it discussed? Never mind. We have not very much time this morning.

Mr. MILLER. My recollection is——

Senator SWANSON. I insist that the witness be allowed to answer.

Senator BRANDEGEE. I am perfectly willing he should, but it is rather immaterial, and the witness seems to hesitate.

Senator WILLIAMS. Let him answer.

Mr. MILLER. The French Government sent a note on the subject to various powers; I do not know what to powers, but I do know that the United States was included.

Senator WILLIAMS. Mr. Chairman, the United States was consulted upon how the commissioners——

Senator BRANDEGEE. I prefer that the witness should do the testifying, because the Senator will have a chance later.

Senator WILLIAMS. I was going to ask a question, with the permission of the chairman, and I addressed the chairman for that purpose.

Senator BRANDEGEE. I yield to the Senator from Mississippi.

Senator WILLIAMS. I did not know we were going through all that. Mr. Chairman, with the permission of the Senator from Connecticut, I would like to ask a question. Is the permission granted?

Senator BRANDEGEE. Why, certainly.

Senator WILLIAMS. You do know, do you not, that the United States was consulted as to how many commissioners she desired to name to the conference?

Mr. MILLER. Yes.

Senator WILLIAMS. Do you or not presume, from that, that other nations were likewise consulted?

Mr. MILLER. Certainly; they must have been.

Senator WILLIAMS. It is a very harmless question that I wished to ask.

Senator BRANDEGEE. I think so. Now, Mr. Miller, as a matter of fact, did these different participants all have the same number of commissioners?

Mr. MILLER. No, sir; they did not.

Senator WILLIAMS. Different numbers?

Mr. MILLER. Different numbers.

Senator BRANDEGEE. What was the total number of commissioners in the plenary conference, if that is the proper expression?

Mr. MILLER. I would have to look that up.

Senator BRANDEGEE. All right.

Mr. MILLER. Because, as you suggested, some powers had a greater number than others.

Senator BRANDEGEE. All right. How many meetings did the plenary conference have before these commissions were appointed to take up various phases of the treaty?

Mr. MILLER. Well, as to that, Senator, the commissions, as I remember it, were not appointed at the same time. There were a good many commissions appointed, and I do not think they were all appointed at the same plenary session.

Senator BRANDEGEE. Very well; I will change the form of the question. How many meetings did the plenary conference hold before the final meeting of the plenary conference which approved the treaty?

Mr. MILLER. Three or four, I think. I do not remember exactly.

Senator BRANDEGEE. Are you aware to what extent the various commissions who had under consideration the different parts of the treaty consulted with one another and kept posted on the work of one another?

Mr. MILLER. I do not think there was any communication between the commissions as such. The different members of each delegation who were on the various commissions doubtless consulted, but as between one commission and another I do not think there was consultation except between the economic commission and the financial commission.

Senator BRANDEGEE. After each commission finished its work and was ready to report, to whom did they send the completed report of their proposals?

Mr. MILLER. They sent it to the plenary conference through the secretariat.

Senator BRANDEGEE. They sent it to the secretariat. Then who took the various reports and put them together, so as to make the completed treaty?

Mr. MILLER. The drafting committee.

Senator BRANDEGEE. And were these reports of commissions approved by any meeting of the plenary council before the final meeting of the plenary council approved of the entire treaty?

Mr. MILLER. Some of them were. I am not sure that all of them were.

Senator BRANDEGEE. Do you remember which ones were approved by the plenary conference before the entire treaty was approved?

Mr. MILLER. The report of the commission on the league of nations was approved.

Senator BRANDEGEE. Excuse me right there. At the meeting of the plenary conference that approved the report on the league of nations, were the reports of any other commissions approved?

Mr. MILLER. I think it was at the same meeting that the report of the commission on the labor clauses was approved.

Senator BRANDEGEE. Are you sure about that?

Mr. MILLER. I would have to look that up, Senator.

Senator BRANDEGEE. My impression had been, from what little information we got in this country about it, that the meeting of the plenary conference which approved the report of the commission on the covenant of the league of nations did that and nothing else, and that it was a hastily called meeting, called by the President to get the covenant approved so that he could come back here in March and submit it tentatively or informally to us.

Mr. MILLER. I think he did, without referring to the final report of the commission. When the report was made in February, I think there was nothing else approved at that meeting.

Senator BRANDEGEE. That was my impression.

Mr. MILLER. Yes, I think that is correct. I thought you were referring to the later meeting, Senator.

Senator BRANDEGEE. Did you attend in any way, or were you present, either as an auditor or in any other capacity, at the meeting of the plenary conference which approved the draft for the covenant of the league of nations?

Mr. MILLER. The one in February?

Senator BRANDEGEE. If that was in February, and I think it was.

Mr. MILLER. There was a first report and a second report.

Senator BRANDEGEE. The report where the plenary conference approved the draft for the covenant of the league of nations just before the President sailed for this country and got here with it.

Mr. MILLER. Yes, I was present.

Senator BRANDEGEE. You were present. Was that meeting of the plenary conference open to the public?

Mr. MILLER. I think it was, Senator.

Senator BRANDEGEE. Do you not remember whether people were in the gallery; or was there a gallery? Were there outsiders there other than the delegates or commissioners?

Mr. MILLER. Yes; the public was there.

Senator BRANDEGEE. Was there quite a large audience or a small one? It seems to me, this, being an epoch-making event, ought to have occasioned a ripple, and there ought to have been a few spectators to see it adopted. But never mind——

Mr. MILLER. There were quite a large number, considering—as many as could get into the room.

Senator BRANDEGEE. How many spectators were there—10 or 100?

Mr. MILLER. Oh, well, more than a hundred, Senator, but I am not an expert at guessing crowds.

Senator SWANSON. How many could the room hold?

Mr. MILLER. I think the room could hold some hundreds.

Senator SWANSON. And you say the room was filled?

Mr. MILLER. It seemed crowded to me.

Senator BRANDEGEE. Now I am getting something. I am much obliged to you.

Senator SWANSON. You insisted upon it.

Senator BRANDEGEE. I did not insist upon it, but you did. There were hundreds of people there, were there?

Mr. MILLER. I should think so.

Senator BRANDEGEE. How long was the plenary conference in session considering the covenant of the league of nations?

Mr. MILLER. My recollection is it was all the afternoon.

Senator BRANDEGEE. The whole afternoon. The President made the report, did he not?

Mr. MILLER. Yes.

Senator BRANDEGEE. And made a speech about it, did he not?

Mr. MILLER. He did.

Senator BRANDEGEE. Who else made speeches?

Mr. MILLER. I do not remember, at this distance of time.

Senator BRANDEGEE. Was there any debate on the various provisions of the covenant of the league of nations in the plenary council?

Mr. MILLER. Yes; there were various speeches made.

Senator BRANDEGEE. I know there were speeches made. The President made one. Was there any debate upon the various articles, the 26 articles, which constitute the covenant of the league of nations?

Mr. MILLER. I think that the speeches were all prepared speeches.

Senator BRANDEGEE. Yes?

Mr. MILLER. They seemed so.

Senator BRANDEGEE. Canned oratory?

Mr. MILLER. I do not know whether you would call it debate or not.

Senator BRANDEGEE. What I want to know is, did anybody ask anybody else what certain articles meant? Was there any difference of opinion expressed as to the meaning of any of the articles or what they might mean?

Mr. MILLER. I do not think so. Not that I remember.

Senator BRANDEGEE. There was not a word said, was there, except that the President, and the head of the Japanese delegation, and other heads of delegations made remarks about it. That was all, was it not, and then they unanimously agreed to the whole thing, did they not?

Mr. MILLER. I do not recall that the head of the Japanese delegation made any remarks at that meeting. Possibly he did.

Senator BRANDEGEE. I read something that purported to be, not a protest on his behalf, but a regret that some racial equality clause had not been included in it, or something of the kind, but I may be mistaken about that. I do not consider the garbled newspaper accounts that we were allowed to receive through the censor at that time as being authority for any opinion; but that is all we have. I get a fair idea of how the thing was done, and that is all I care to ask.

Senator HARDING. Mr. Chairman, I wish to ask a question.

The CHAIRMAN. The Senator from Ohio.

Senator HARDING. Do you understand that the league of nations has authority to change the territorial possessions of any nation a member of the league?

Mr. MILLER. It has authority to some extent to decide on these plebiscites, as granted in the treaty.

Senator HARDING. Suppose the readjustment of the Balkan and other Near East problems should not prove to be all that those who

favor them hope, would the league of nations for the promotion and preservation of peace have authority to make readjustments of territorial lines?

Mr. MILLER. Not unless it was so agreed.

Senator HARDING. What do you mean when you say "so agreed"? Do you mean the unanimous consent of everybody?

Mr. MILLER. Well, it might be agreed in the treaty with Austria, for example, or with Hungary or with Bulgaria, that a line should be subsequently fixed by the league of nations.

Senator HARDING. Do you mean a reservation, for instance, like that contained in the treaty relating to the Saar Basin, wherein the government of the basin is intrusted to the league of nations, and wherein Germany renounces her sovereignty to the league of nations?

Mr. MILLER. I was not referring to that, Senator. I was referring to the provisions which provide for the fixing of the line and for a plebescite in such territory as Upper Silesia, or in Schleswig.

Senator HARDING. Maybe I can make it a little more specific. I do not know that the question is wise. I am trying to clear up certain things in my own mind. Suppose the disposition of Thrace should, two years from now, prove a menace to the peace of the world in the estimate of the members of the council or the assembly. Has the league authority to undertake the readjustment of that assignment of territory?

Mr. MILLER. To change it?

Senator HARDING. Yes.

Mr. MILLER. No.

Senator HARDING. Not without a specific provision in the treaty with Austria.

Mr. MILLER. There might be a specific provision in a subsequent treaty; in that case, with Bulgaria.

Senator HARDING. Then in accepting the league covenant in the peace treaty that we have before us we really undertake to guarantee territorial integrity that we know not of at this time.

Mr. MILLER. The boundaries are not fixed. That is true, Senator.

Senator HARDING. That is precisely what I am getting at.

The CHAIRMAN. I am obliged to go to the Senate, but there is no need of adjourning this hearing, because I am going to move that the Senate take a recess from 12 to 2 o'clock to enable those who desire to see the parade of the Marines to do so, so the Senate will not really meet for action until 2 o'clock.

(Senator McCumber took the chair.)

Senator MOSES. The Senator from Connecticut (Mr. Brandegee) has some other questions to propound, but he has left the room temporarily.

Senator WILLIAMS. Mr. Miller, does not this league of nations article itself provide that where any nation shall report to the league that a given question has become a menace to the peace of the world, the league may take up that question and consider it and make recommendations concerning it?

Mr. MILLER. Yes.

Senator WILLIAMS. Then, in so far as that goes, Senator Harding's question would have been answered in the affirmative, that the league could deal with the subject matter of Thrace if later on, upon complaint of Greece or Bulgaria, the league concluded that it was a menace to the peace of the world to allow it to remain in statu quo.

Mr. MILLER. Yes.

Senator WILLIAMS. Now let me ask you another question. Does it not provide that the league shall have power to consider complaints that existing treaties have become inapplicable and that if allowed to exist they may become a menace to the peace of the world.

Mr. MILLER. Yes. Article 19 provides:

> The assembly may from time to time advise the reconsideration by members of the league of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

Senator HARDING. Now, following up Senator Williams's question: Suppose in the judgment of the council that the possession of the Danish West Indies, which we purchased within the last few months, should be a menace to the peace of the world from any cause whatsoever. Would the league have a right to step in and make that readjustment?

Mr. MILLER. No, sir; in my opinion not.

Senator HARDING. They would be inhibited by the exercise of the Monroe doctrine only.

Mr. MILLER. It would be inhibited by that, in my opinion—by the Monroe doctrine provision.

Senator HARDING. This is the point I am trying to get at, and I consider it of some importance. If when once territorial lines are established by this peace treaty the league has authority to step in to make a readjustment and pass territory from one nation to another in the interest of the peace of the world, what is to prevent the league doing the same thing with a piece of American territory? What except our size would prevent that?

Mr. MILLER. Well, Senator, my answer to that is that I do not think the league has the power to make the change.

Senator HARDING. You said to Senator Williams that if they found an adjustment of territory was menacing the peace of the world, they had the authority to take it up and change it.

Mr. MILLER. To advise. I read the article.

Senator WILLIAMS. I said to recommend—to investigate and recommend.

Senator HARDING. Well, then, let us follow that. Let us ask ourselves the practical question—I should like the judgment of the witness on this: What does the league amount to if its recommendations are nothing more than an admonition?

Senator WILLIAMS. If its recommendation is unanimously adopted and there is no minority report upon it, then none of the members of the league can go to war. That is one thing. The next thing, of course, is that where the recommendation of the council is unanimously given, we being represented upon it as well as the other great powers, it will have a moral weight in the world that will be irresistible.

Senator HARDING. All right. Now, let us follow that. Suppose we were involved, and the league unanimously made a recommendation, and we declined to accept the recommendation of the league. What happens then?

Senator WILLIAMS. If that were the case, of course our commission would have had to vote against what we have done. If there was no minority report, then if we went to war, the council would consider what measures were necessary and would make a recommendation;

but in addition to that, the free passage of troops would be allowed through the territories of all members of the league against the recalcitrant country—in that case our own country—and in addition to that the league might recommend anything that it chose to recommend that might be accepted by the other members of the league.

Senator FALL. Mr. Chairman, I submit that this is all entirely irregular, with due deference to the Senator from Mississippi. Of course, he is expressing his opinion, and we would have different opinions, and this committee is engaged in a general conversation.

Senator HARDING. Does the Senator mind if I ask a question?

Senator FALL. I have no objection in the world.

Senator WILLIAMS. I agree thoroughly, but the Senator from Ohio asked a question and I was answering it.

Senator FALL. I thought the Senator from Ohio said he would like to have the opinion of the witness upon it.

Senator WILLIAMS. I beg the pardon of the Senator from New Mexico. The Senator from Ohio turned to me, and we were just talking amongst ourselves.

Senator MCCUMBER. I think the question was rather general, and it might be answered by anyone. We will get back to the witness now.

Senator HARDING. I will address my question to the witness. This is what I want to get at. Take a hypothetical case, where a question of American territory is involved, and the league of nations recommends contrary to our wishes. Suppose then that we do not even go to war. We are subject to what might be termed ostracism by the international powers, are we not? Are we subjected to that, for one thing? Are we made an international outlaw if we refuse to accept the recommendations?

Mr. MILLER. Not if we do not go to war.

Senator HARDING. Are we not subject, under the terms of the contract, to trade boycotts?

Senator HITCHCOCK. Certainly not, unless we go to war.

Mr. MILLER. It is one of the sections of article 16, which provides that—

Should any member of the league resort to war in disregard of its covenants, under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league.

Senator HARDING. Suppose we do not go to war. What happens? Suppose we just refuse to accept the recommendations of the league and ignore its authority?

Mr. MILLER. What happens as a practical matter?

Senator HARDING. What happens to us as a practical thing?

Mr. MILLER. Nothing, under the covenants, if we do not resort to war.

Senator HARDING. But the league would have authority to institute a boycott, economic pressure, embargoes——

Senator HITCHCOCK. Certainly not.

Senator HARDING. I am asking the witness.

Mr. MILLER. Not in my opinion. I think it is prefaced by those words I just read, which limit it to a case where a member of the league resorts to war in disregard of its covenent under articles 12, 13, or 15.

Senator HARDING. Then, if that be true, what remedy has the league to make its recommendations effective?

Mr. MILLER. Public opinion, publicity, the moral force of its recommendations.

Senator MOSES. We might be expelled.

Mr. MILLER. For a violation of any covenant we might be expelled.

Senator MCCUMBER. But mere negative action would not be a violation of the covenant?

Mr. MILLER. Not a violation of the covenant in this particular case that is supposed.

Senator MCCUMBER. In other words, if the United States did not accept the suggestions of the council, it would not make a cause for expulsion.

Mr. MILLER. Not in my opinion.

Senator HARDING. Then let us put it in another way. Suppose the league makes an alteration of territorial lines, are we bound under article 10 to recognize the territorial integrity of the new allotment?

Mr. MILLER. Senator, I do not think the league has any power to make a new line, as you put it, except in a case where it is given specific power under this treaty or under a subsequent treaty.

Senator HARDING. I understood you to say, at the suggestion of the Senator from Mississippi, that if a situation was menacing the peace of the world it did have that power.

Mr. MILLER. I said to advise. I read article 19, in which that would be included. The word "advise" is used.

Senator HARDING. Then let us go back to a specific case. I am sorry to take the time of the committee, but it is important to me.

Senator FALL. I think it is very interesting.

Senator HARDING. If I understand the covenant, if that question arises and we are disputants, we have nothing to say. We are ruled out because we are disputants.

Mr. MILLER. We sit in the council.

Senator HARDING. I know; but we do not vote on it, because we are disputants.

Mr. MILLER. I would not say that. There is no provision that we do not vote.

Senator FALL. There are several provisions here that wherever a member is a party to a dispute it has no vote.

Mr. MILLER. I differ, Senator——

Senator SWANSON. Explain your understanding of it.

Mr. MILLER. My understanding is that the provision does not say that the parties to the dispute shall not vote, but it simply provides that the votes of the parties to the dispute shall not be counted.

Senator HARDING. It is the same practical situation.

Senator FALL. It is the same thing. I do not see why you want us to vote if the vote is not counted. That is the southern style.

Senator HARDING. The point I am trying to get at is this: I am very sincere about it. I want to know if the league becomes an international power that can change territorial lines in the interest of world peace and then command the adherents of the league to respect those lines.

Mr. MILLER. My opinion is no.

Senator HARDING. Except as it is provided for——

Mr. MILLER. Except as it is specifically provided for in this treaty or in other treaties

Senator HARDING. That is all I have to ask.

Senator MOSES. Mr. Miller, you said that the draft of the covenant of the league of nations which was finally adopted as a basis upon which the commission worked to get its final results was a composite of many suggestions.

Mr. MILLER. Yes.

Senator MOSES. Parts being taken from the four drafts submitted by Great Britain, the United States, France, and Italy.

Mr. MILLER. Yes.

Senator MOSES. Who made that composite?

Mr. MILLER. I have to ask a rather technical question before I can answer your question. Do you mean who physically got it up, prepared the language of it?

Senator MOSES. Yes.

Mr. MILLER. Mr. Hurst and myself.

Senator MOSES. In the form in which you submitted it, was it submitted by our representatives on the commission, namely, the President and Col. House? You submitted it to them and they submitted it to the commission?

Mr. MILLER. Yes.

Senator MOSES. Have you a copy of that draft as you handed it to the President and Col. House?

Mr. MILLER. I suppose the department has a copy.

Senator MOSES. Under the limitations set upon our procuring the information, as stated in the President's letter of yesterday, do you think we could get it?

Mr. MILLER. I have no authority to answer that question.

Senator MOSES. May I ask the witness to endeavor through the department to get that for the committee?

Senator MCCUMBER. Will the witness do so?

Senator HITCHCOCK. I did not hear the question. What was it that was desired?

Senator MOSES. The witness testified in the first instance that the draft upon which the finally completed covenant of the league of nations was based was a composite draft containing suggestions drawn from the four drafts submitted by the United States, Great Britain, France, and Italy, and he testified that that composite draft was made by Mr. Hurst and himself. I am asking if we can get possession of that draft?

Senator SWANSON. The right way would be to ask the department.

Mr. MILLER. I will ask the department, if that is the request. I can not do any more than that.

Senator MCCUMBER. Of course, that is all that you could do.

Mr. MILLER. Yes.

Senator MCCUMBER. You have not a copy in your possession?

Mr. MILLER. No, sir; I have not.

Senator HITCHCOCK. Senator Moses, will you put into the record a statement of the reason why such a request is made?

Senator MOSES. Yes; because I would like to know in what particulars the completed draft departed from the draft of Mr. Miller and Mr. Hurst.

Senator HITCHCOCK. Why?

Senator MOSES. I have a great thirst for information on the subject.

Senator HITCHCOCK. Why?

Senator MOSES. I would like to enlighten myself. I shall have to vote on it presently.

Senator HITCHCOCK. I supposed you had made up your mind a long while ago.

Senator FALL. I suppose the Senator from Nebraska is doing as we all very often do, and that is judging others by himself. Mr. Chairman, may I ask the witness a few questions?

Senator MCCUMBER. Certainly.

Senator FALL. Mr. Miller, you have referred once or twice to article 19, apparently with the idea that that is the only article that would be appealed to in the event that there was a question as to readjustment of territorial lines. Suppose that there were a question between the United States and Mexico, on the lines suggested by the Senator from Ohio, touching, we will say, an irrigation project on the Colorado River, a portion of which was in the United States and a portion of which was in Mexico, that the matter was brought before the league by Mexico after we had become a member of the league, or by some friend of Mexico, while Mexico is outside the league. Suppose the league in its judgment were to come to the conclusion that here was a question that might affect the peace of the world. Article 17, in the event that Mexico was out of the league, would then be invoked, would it not?

Mr. MILLER. It might be.

Senator FALL. In a dispute between a member of the league and a State which is not a member of the league, it is provided that the nonmembers shall be invited to accept the obligation of membership for the purpose of the dispute. Mexico would then be invited by the council to become a member of the league for the purposes of that dispute, would it not?

Mr. MILLER. Upon such conditions as the council may deem just.

Senator FALL. Well, of course I am not attempting to quibble about it.

Mr. MILLER. No; I was not either.

Senator FALL. I do not care to read into the record the entire article, but I call your attention to it. The invitation would be extended to Mexico to become a member of the league for the purposes of the dispute. Then articles 12 to 16 of the covenant would immediately automatically become operative in the event that Mexico accepted the invitation, would they not?

Mr. MILLER. Yes.

Senator FALL. Suppose then that under the second paragraph of article 17—

> Upon such invitation being given the council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances—

if the recommendation of the council were to the effect that the Mexican line should be so extended as to take in that portion of the country in dispute which is now claimed by the United States, what would be the effect of such recommendations?

Mr. MILLER. It would depend on whether the United States accepted it or not.

Senator FALL. Suppose that Mexico accepted it, and acted upon it, and the United States did not accept. What would be the status? What would be the result?

Mr MILLER. The result would be that not having been accepted by the United States, it would not have gone into effect.

Senator FALL. Suppose Mexico had accepted and put into effect the recommendations of the council. Suppose that she had put her flag over the country and put her civil officers there, if not her military force, to administer it, and the United States did not accept.

Mr. MILLER. It would be an invasion of the United States.

Senator FALL. It would?

Mr. MILLER. Yes.

Senator FALL. By Mexico?

Mr. MILLER. Yes.

Senator FALL. Contrary to the orders of the league, when Mexico herself accepted the recommendations of the league?

Mr. MILLER. It would still be an invasion of the United States.

Senator FALL. One which we would be authorized to resist with armed force, without violation of our covenant?

Mr. MILLER. Yes.

Senator FALL. Then what does it mean by saying, in the paragraph which I was reading here, "And recommend such action as may seem best and most effectual in the circumstances"? If your construction is true, they could not then recommend anything which might prove effectual.

Mr. MILLER. The second paragraph of article 17 is the provision for inquiry, upon the invitation being given.

Senator FALL. Yes.

Mr. MILLER. Your question supposes that the invitation is accepted by Mexico——

Senator FALL. Accepted by Mexico, and Mexico comes in. I will state the proposition a little more fully. Suppose that in the event of such dispute Mexico was invited to become a member of the league for the purposes of the dispute only, and she accepts.

Mr. MILLER. Yes.

Senator FALL. Immediately and automatically the provisions of articles 12 to 16 apply. The council makes its recommendations, with such suggestions as it thinks necessary to make such recommendations effectual. Mexico accepts, and acts upon the recommendations, and takes the effectual means suggested by the council. The United States refuses to accept it. You say that Mexico in taking possession of the territory would be making an invasion of the United States which we would be justified, without violating our pledges, to resist with all the force necessary. Is that your opinion?

Mr. MILLER. Senator, the recommendation of the council would be, as I understand your question, a recommendation regarding a disputed boundary?

Senator FALL. Yes.

Mr. MILLER. The United States being in possession of the territory?

Senator FALL. Yes.

Mr. MILLER. The recommendation, assuming, as I understand you, that it was in favor of Mexico, would not in my opinion authorize Mexico to take possession forcibly of the territory.

Senator FALL. If she did not do it, then both the United States and Mexico, to use a legal phase, would be in contempt of the council, because neither one would have accepted it.

Mr. MILLER. Mexico would have accepted, according to your hypothesis.

Senator FALL. Oh, no. According to my hypothesis, but you say she would have no right to accept. I am saying that she does accept the recommendation. The recommendation is that the disputed territory is given to Mexico, and the effectual means which is suggested by the council for putting that recommendation into effect is that Mexico's jurisdiction should be extended over the disputed territory. Mexico accepts the recommendation and adopts the means suggested by the council, and puts her flag over it and takes possession.

Mr. MILLER. The difference, Senator, is this: That the recommendation which the council would make in the case of a boundary dispute would be to suggest where the boundary should be located

Senator FALL. That is exactly the point I am making.

Mr. MILLER. But you go further——

Senator FALL. Well, I will take a case that possibly you know about, having been connected with the department, to put the shoe on the other foot. The Chemizal zone in Texas is claimed by Mexico and by the United States. At the same time the American flag is put over it, the American customs are put over it, and one end of the international bridge between Texas and Mexico is located upon the Chemizal zone, which has always been claimed by Mexico, or is now claimed by her, at least. An arbitration treaty was agreed upon between the United States and Mexico. Arbitration has been had upon that question. The arbitration resulted in a decision against the United States, and the United States refused to accept the result of the arbitration. Now, suppose that exactly the same thing were brought up to-day, without reference to the prior arbitration, and Mexico, through some friend—because any nation has a right to bring to the attention of the council under the terms of this treaty any matter which may threaten the peace of the world—Mexico, through some friend, brought the matter to the attention of the council. France was one of the arbitrators that decided against us in that case. Suppose the attention of the council was brought to the Chemizal zone, and Mexico under article 17 was invited to become one of the members of the league for the purposes of the Chemizal dispute; and suppose that one party refused to arbitrate. Automatically the case would go to the council for disposition. Suppose the council decided in favor of the claims of Mexico and recommended that the American flag be pulled down and that the Mexican flag be raised over the Chemizal zone and that Mexico took possession through her civil authorities and established her customs upon this zone; and suppose that Mexico acted upon that recommendation, and the United States refused, as she has refused, to abide by the arbitration and to abide by the action of the council. What would be the result?

Mr. MILLER. Senator, your question assumes that the council might recommend that Mexico should go to war.

Senator FALL; No; I am not assuming anything of the kind. I very carefully refrained from the use, except incidentally, of an ar ed force.

Mr. MILLER. You said as I understood, an armed force.

Senator FALL. Then I will repeat it and cut out any armed force, and put the supposition that Mexico, without the use of a man in uniform or a man with a rifle or a pistol or a hoe, should proceed to follow the advice of the commission and to use the effectual means which the council recommends to restore to herself the disputed country. She comes over across the country, across what we now regard as the international line, and raises her flag and establishes her customs. What is the result?

Mr. MILLER. I repeat, Senator, that in my opinion that is not a settlement of the dispute. Neither party has agreed to accept that.

Senator FALL. But Mexico has accepted it.

Senator HITCHCOCK. Let the witness answer the question and not be interrupted all the time.

Senator FALL. I am pursuing this line of inquiry.

Senator HITCHCOCK. You objected yourself to somebody butting in.

Senator FALL. I was objecting to an ordinary conversation, just as I am objecting now.

Senator HITCHCOCK. The witness should not be interrupted in the midst of his answer.

Senator FALL. I do not accept your suggestion——

Senator HITCHCOCK. I am making the objection, whether you accept it or not.

Senator FALL. Very well, then; I will pursue my line of inquiry without your assistance.

Mr. MILLER. I do not remember what the question was.

The CHAIRMAN. Let the stenographer read the question.

The stenographer read as follows:

Senator FALL. Then I will repeat it and cut out any armed force, and put the supposition that Mexico, without the use of a man in uniform, or a man with a rifle or a pistol, or a hoe should proceed to follow the advice of the commission and to use the effectual means which the council recommends to restore to herself the disputed country. She comes over across the country, across what we now regard as the international line, and raises her flag and establishes her customs. What is the result?

Mr. MILLER. In my opinion, Senator, the distinction is this: The question being a boundary dispute, the recommendation of the council is, as it is specifically stated in the covenant, a recommendation. It is not a decision of the boundary dispute, and the United States in the case supposed is not obliged to agree and does not agree to accept that as a decision of the dispute. All the United States agrees is by negative covenant that it will not resort to war in disregard of the covenants in the three articles named, the reference in this case being to article 15, which says that the members of the league agree that they will not go to war with any party to a dispute that complies with the recommendations of the report. That is the sole covenant. The dispute as to the boundary question is not settled, as it would be by final judgment in the matter.

Senator FALL. Very well, let us go back to the conditions as we left them. Mexico is over here with her flag raised and her customhouses on the chemizal zone. What is the result?

Mr. MILLER. I can not imagine Mexico being there, Senator.

Senator FALL. Well, possibly your imagination is not as vivid as mine. I can imagine her being there, because she is constantly trying to come now, invading the chemizal zone. Now, in the event that your imagination could wing its far light to that result, if the

United States resorted to force to eject Mexico she would violate article 16 of the league covenant, and all the power of each of the members, and all of them collectively and severally, and all the power of the nations not members of the league, under articles 16 and 17, should be, and they obligate themselves to exert it economically, financially and with armed force, against the United States, do they not?

Mr. MILLER. If the United States resorts to war, the provisions of article 16 apply to the United States the same as they do to any other member of the league.

Senator FALL. Very well. Then, if the United States did not resort to war, we would simply have a condition existing where the United States possibly would still continue to maintain her customhouses, wave her flag in the breeze along by the side of the Mexican customhouse, and the Mexican flag floating. Would that be the condition?

Mr. MILLER. I should not think so.

Senator FALL. That is all on that line. I have one or two other questions.

Senator SWANSON. Let me ask Mr. Miller a question.

Senator FALL. On this line?

Senator SWANSON. Yes.

Senator FALL. Certainly.

Senator SWANSON. As I understand, in a boundary dispute like this, you stated that your judgment is that the United States, where the recommendation, as contained in the covenant is unanimous, would agree not to resort to war?

Mr. MILLER. Yes.

Senator SWANSON. Then, if the United States did not accept that provision, Mexico would not be restrained from going to war? Under the covenant, she could declare war against us.

Mr. MILLER. There would be no covenant on the part of Mexico not to go to war.

Senator SWANSON. So she could declare war against us. If she did so, then there is nothing in the league covenant that prevents us from defending against a war declared on us first?

Mr. MILLER. I do not think there is.

Senator SWANSON. If Mexico should be the aggressor in a war against us, there is nothing that prevents us from defending ourselves. Our covenant, as I understood you to say, is that we agree not to go to war, where there is this unanimity?

Mr. MILLER. Yes.

Senator SWANSON. If Mexico should declare war on us, do you know anything that prevents us from being on the defensive? Is there any such provision in the league covenant?

Mr. MILLER. No, sir; it would create a state of war which we could not avoid.

Senator FALL. We can each read again article 16 and the other articles, and we would possibly come to the same result of a disagreement, which is the result ordinarily between an old line Baptist and a Methodist. Now, Mr. Miller, you have said that this covenant was largely based upon what is known as the Bryan peace treaties, as I understood it.

Mr. MILLER. I said that some of the features of the covenant were very similar to those of the Bryan peace treaties.

Senator FALL. One of the features which you referred to was that we had only one representative in the international commission provided by the Bryan peace treaties, as we would have only one representative upon the council.

Mr. MILLER. I said there was only one American on the international commission.

Senator FALL. I am glad you now use the word "American." You said "one representative," because I put that down myself. I am glad you qualify it by saying "one American."

Mr. MILLER. I wish to say that I used the word "American" before, and the stenographic record will show it.

Senator FALL. I want to do you justice. I regret that my hearing was at fault. Now, in the Bryan peace treaties you speak of the provision for this international commission. That was a commission between two nations alone, was it not; that is, the two nations which were parties to this particular treaty?

Mr. MILLER. Yes, I used the words "international commission," because those are the words used in the Bryan treaties.

Senator FALL. Yes; it is also the expression used in this peace treaty, is it not; but in this peace treaty it means in many instances the representatives of all the various nations, while in the Bryan peace treaties it means the representatives of the two nations.

Mr. MILLER. The word "council" is used in the covenant—not members of the international commission.

Senator FALL. Well, members of the council then, or the representatives of the nations. You are familiar with this treaty. There are plebiscite commissions and governing commissions established through the league of nations.

Mr. MILLER. I thought you were referring to the covenant.

Senator FALL. We have both, and the covenant appears to be, so far, until we can possibly separate it, a part of the peace treaty. Now, all the Bryan peace treaties are similar, and article 2 of the treaty that I now have—which happens to be the treaty with Nicaragua, but there are similar covenants in each of them, and I have them here before me—provides that the commission shall be composed of five members to be appointed as follows: One member shall be chosen from each country by the Government thereof. That is the American citizen that you had reference to. One member shall be chosen by each Government from some third country. That is the representative of this country on that commission, is it not?

Mr. MILLER. One of the two chosen by this country, yes.

Senator FALL. Supposed to be a representative of this country, because Nicaragua has nothing whatsoever to do with the choice of that man chosen by this country.

Mr. MILLER. That is correct.

Senator FALL. Then this country has two representatives chosen by itself. Nicaragua has two, chosen by itself, and the fifth member is chosen by the two countries jointly, is he not?

Mr. MILLER. I think in most of the treaties it is provided that he shall be chosen by the four first named.

Senator FALL. I can read this treaty to you.

Mr. MILLER. They differ a little bit in that.

Senator FALL. I am very familiar with them. I will say to you very frankly that I am not yet at all sorry that I opposed each of those treaties.

Mr. MILLER. I think the general provision, Senator, is that the two Governments shall chose the fifth member, and if they do not agree, that the four members already selected shall choose the fifth.

Senator FALL. Yes; you are correct about that. That is the provision in each of them. That is not with reference to the four commissioners chosen, but the common provision is that the two countries shall choose the fifth member. In one or two of the treaties there is a provision that that fifth member, in the event of failure to choose, may be chosen by the four commissioners already selected. Now, that is purely an agreement by treaty between two countries, with which no other countries of the world have anything to do and in which they have no interest, is it not?

Mr. MILLER. Yes.

Senator FALL. Now, you have stated, as I understand you—I may be mistaken and if I am I want you to correct me—that the provision that the decision of those commissioners should not be binding was similar to the provision that the procedure of the arbitration tribunal under articles 12 and 15 is not binding. That was another basis upon which you founded this treaty. Do you still understand that that is the fact, that there is any similarity between those provisions in the Bryan peace treaties, such as you seem to think there was, and the provisions contained in articles 12 and 15 of the present treaty?

Mr. MILLER. Not as to article 12, I did not say so. Article 12 is that provision of the covenant that relates to arbitration.

Senator FALL. Yes. Then what other ground of similarity do you find between the Bryan peace treaties and this treaty now before us?

Mr. MILLER. The similarity that the recommendation of the council is not a binding decision of the dispute, that the liberty of action is reserved in the treaties for the advancement of peace.

Senator FALL. Of course that is your judgment. I have mine. Now, to refer back to one of the matters which you discussed a while ago, that is, as to the boundaries present and future which we agree by article 10 to respect, and the territorial integrity of which we agree to protect—on the 28th of June Germany signed this treaty, did she not?

Mr. MILLER. Yes.

Senator FALL. And in that agreement she agreed to the Saar Basin proposition, did she not?

Mr. MILLER. Yes.

Senator FALL. She agreed to the division between Poland and Prussia, and to the constitution of Danzig as a free city, subject in so far as her external relations were concerned to be controlled by Poland?

Mr. MILLER. Yes.

Senator FALL. Now, suppose that before the ratification of this treaty and the deposition of the ratification, when it comes into effect, Germany refuses to yield as to Danzig or as to the Saar Basin, refuses to abide by her agreement in this treaty, what is the status of Germany with reference to the other nations who signed it with

her on the 28th of June? Suppose she just simply says, "I will not abide by it."

Mr. MILLER. She continues the war.

Senator FALL. She does continue the war? Then in order to make peace the negotiation of another treaty would be necessary?

Mr. MILLER. Probably. I do not think it would certainly be so.

Senator FALL. Then, is it your opinion or not that on the signing of this treaty on the 28th of June a status was fixed as between the signatories to the treaty?

Mr. MILLER. There was a change in the status; yes.

Senator FALL. Peace is the ordinary status, is it not?

Mr. MILLER. Yes; between nations.

Senator FALL. Then, is it your opinion that on the 28th day of June the status of war was affected by the signature to this treaty by Germany with the other nations?

Mr. MILLER. No, sir; the status of war still continues.

Senator FALL. Still continues until when?

Mr. MILLER. Until the treaty goes into force.

Senator FALL. The status of war still continues?

Mr. MILLER. Yes.

Senator FALL. The President is in error, then, when he says that both the status of peace and the status of war continue.

Mr. MILLER. I was speaking——

Senator FALL. We are neither at peace nor at war?

Mr. MILLER. I was speaking from the legal point of view.

Senator FALL. That was what I was trying to get at, because I understood you were there as an international lawyer.

Mr. MILLER. The practical situation is of course very different from that of actual war.

Senator FALL. Yes; we have stopped fighting.

Mr. MILLER. The fighting stopped at the date of the armistice.

Senator FALL. When the fighting stops, then the status of peace exists?

Mr. MILLER. Is that a question, Senator Fall?

Senator FALL. Yes.

Mr. MILLER. Then my answer is no.

Senator FALL. I am glad to have your idea upon that subject. Then there can be no peace between nations except by the execution and ratification of a signed peace? You answer that "no," I presume, as an international lawyer.

Mr. MILLER. That is the customary method of concluding war and making peace.

Senator FALL. You know that Sweden and Poland had peace for a great many years after 1720 without ever declaring it?

Mr. MILLER. I have so understood.

Senator FALL. Do you know that Mexico and France had a peace after 1867 without ever declaring it?

Mr. MILLER. I have understood that. There are instances where peace has resulted without the procedure which I mentioned as the usual procedure.

Senator FALL. Peace is established as recognized by all international law writers, in three different ways, is it not?

Mr. MILLER. As recognized by law writers——

Senator FALL. Yes; every one that I have ever read.

Mr. MILLER. I do not understand the question.

Senator FALL. Where war has been the status between two countries, peace may be established in at least three different and distinct ways, may it not?

Mr. MILLER. Yes; I think it may.

Senator FALL. A treaty of peace simply establishes the terms upon which the nations will remain at peace and conduct their business together, does it not?

Mr. MILLER. Well, a treaty of peace may establish a great many different things. To say that it simply establishes——

Senator FALL. I am speaking of the effect upon the status of the nations. A treaty of peace is not necessary to peace, is it?

Mr. MILLER. Not in all cases.

Senator FALL. How is that?

Mr. MILLER. It has not been in all cases.

Senator FALL. But a treaty of peace is adopted to provide distinct rules and regulations, and to avoid future disputes between the two nations, to provide rules by which the citizens of the countries may enter into commercial relations and continue to do business, and by which the countries themselves, as distinguished from the populations of the countries, may conduct their intercourse. That is the purpose of the treaty of peace, is it not?

Mr. MILLER. Yes, and to create definitely a status of peace instead of a status of war, and to provide for the usual relations that exist in time of peace.

Senator FALL. Suppose that you have no treaty of peace at all between Germany and the United States of America. Suppose that this treaty is not ratified by the Senate of the United States at all. Do you mean to say that the status of war would continue to exist between he German Empire and the United States of America?

Mr. MILLER. Yes.

Senator FALL. Mr. Chairman, I ask to put in the record right at this point various advertisements of sailings of ships between this country and German ports.

Senator MCCUMBER. They will be made a part of the record.

(The advertisements referred to are as follows:)

[From the New York Journal of Commerce.]

Hamburg—Now loading Pier 7, N. R.—S. S. *Juliana* (steel, 100 A1 Lloyds)—Shipping Board Rates—Pacat Steamship Corporation, 42 Broadway, New York: Broad 7551-2-3-4-5-6.

Hamburg—Japanese steel steamer—100 A1 Lloyds—*Gozan Maru*—Now receiving—Sailing on or about July 16—Full brokerage paid—For rates and particulars apply Triangle Steamship Co. (Inc.), 44 Whitehall Street, New York; Bowling Green 6511-6512-6513-6514.

Prompt sailings to Hamburg and Rotterdam—100 A1 steel steamers—*Skogstad—Julianna—Dalgada—Obak*—Prompt loading from our own per 7, North River—For rates and further particulars apply to Pacat Steamship Corporation, 42 Broadway. N. Y.—Telephone Broad 7551-2-3-4-5-6—Chicago, 327 So. LaSalle St., Harrison 283—Philadelphia, Land Title Bldg., Spruce 5515—Pittsburgh, Chamber of Commerce Bldg., Grant 2371—San Francisco, 210 Drumm St.; Sutter 4472—Mobile, City Bank Bldg., Mobile 326.

For the development of American trade in Germany—Our Mr. Charles Schroeder is now in personal charge of our branch office in Hamburg—We are in a position to offer to manufacturers, exporters, importers, and others interested in furthering trade with the above and adjacent countries, the facilities of a complete organization for the sale and distribution of all products—We invite proposals, samples, catalogues, and correspondence from responsible parties—Maritime Navigation Co. (Inc.), 17 Battery Place, New York; telephone, Whitehall 1648-55.

Hamburg—Japanese steel steamer—100 A-1 Lloyds—Itsukushima Maru—Now receiving—Sailing on or about July 11—Full brokerage paid—For rates and particulars apply Triangle Steamship Co. (Inc.), 44 Whitehall Street, New York; Bowling Green 6511-6512-6513-6514.

Hamburg—American steamer—A-1 Lloyds—Thala—Now receiving—Sailing on or about July 18—For rates and particulars apply Brooks Steamship Corporation, 25 Broad St., New York; Broad 5335.

Senator BRANDEGEE. Will the Senator from New Mexico permit me to ask a question at this point?

Senator FALL. Certainly. Then I will have another question or two later.

Senator BRANDEGEE. Right on that particular point, before you pass to the other methods of making peace. As between Germany and the United States of America, Germany never declared war on America, did she?

Mr. MILLER. No; the United States declared that a state of war existed.

Senator BRANDEGEE. Now the President appeared before Congress and announced that the war was over. The German Army has been defeated and demobilized. The American Army is being demobilized. The German Navy has been surrendered. Germany has signed the peace treaty, which Great Britain has signed. The President has affixed his signature to that same peace treaty. The fighting is over. The blockade against Germany has been raised. We get no indemnity and no reparation from Germany under the terms of the treaty itself, and we are demanding none. We get no part of the captured German territories. In view of those facts, is there no way in which the United States of America and Germany can be in a status of peace, except by having a written treaty of peace executed by the two nations?

Mr. MILLER. Do you mean that no way could be devised?

Senator BRANDEGEE. I mean, is there no way possible for us to be at peace without executing a written treaty of peace?

Mr. MILLER. I do not think there is any practical way of doing it.

Senator BRANDEGEE. Suppose Congress should repeal the joint resolution which it passed declaring a state of war to exist. What do you think the international situation would be between the United States and Germany?

Mr. MILLER. I should like to consider that, Senator, before answering it. It has never happened in the history of the country, and I should like to think it over.

Senator BRANDEGEE. Suppose Congress should pass a joint resolution, as it did when it declared a status of war, but declaring that the status of war previously declared by Congress no longer existed. What do you think would be the international relations between the United States and Germany?

Mr. MILLER. I should like also to make a considered answer to that question.

Senator BRANDEGEE. Suppose that were supplemented by a joint resolution of Congress authorizing and directing the President to reestablish the Consular Service and to proclaim that a status of peace exists between the two countries?

Mr. MILLER. You are assuming that the joint resolution was passed by Congress and signed by the President, or passed over his veto?

Senator BRANDEGEE. No; I am not assuming that, any more than I assume that it was necessary for the declaration of war to have been signed by the President. The Constitution provides that Congress shall declare war.

Mr. MILLER. Well, I am aware of that. I was asking what your assumption was in this case?

Senator BRANDEGEE. I will assume both cases. I will assume, first, that the joint resolution declaring a status of peace was signed by the President. Then what is your answer. And if it was not signed by the President, what is your answer? Please answer both.

Mr. MILLER. I should like to think of that a little, Senator.

Senator BRANDEGEE. Very well. I understood you, when you were answering a question of mine sometime ago, to say that you and a gentleman named Hurst had prepared, or had to do with the preparation of the plans for the covenant of the league which was submitted to the commission. Am I correct about that?

Mr. MILLER. Yes.

Senator BRANDEGEE. What is the full name of this Mr. Hurst?

Mr. MILLER. C. J. B. Hurst.

Senator BRANDEGEE. What does the "C" stand for?

Mr. MILLER. I only know his initials.

Senator BRANDEGEE. How long were you associated with him?

Mr. MILLER. He was there in Paris all the time that I was there—most of the time.

Senator BRANDEGEE. How long were you in conference with him in the preparation of this plan?

Mr. MILLER. Several days, I think, Senator. I don't remember.

Senator BRANDEGEE. And you do not know his first name?

Mr. MILLER. It escapes me at the moment Senator.

Senator BRANDEGEE. You have known it?

Mr. MILLER. I have known it; but it escapes me at the moment.

Senator BRANDEGEE. What was his business?

Mr. MILLER. He is legal adviser to the British foreign office.

Senator BRANDEGEE. Is he an attorney at law in Great Britain?

Mr. MILLER. I assume that he is.

Senator MOSES. He has no connection with Mr. Francis Hurst. former editor of the Economist?

Mr. MILLER. I know nothing as to that.

Senator BRANDEGEE. He is an Englishmen, is he not, a subject of Great Britain?

Mr. MILLER. Well, I assume so.

Senator BRANDEGEE. Do you know whether he is a writer in public journals?

Mr. MILLER. I think he has written; yes.

Senator BRANDEGEE. Do you know in what journals he has written?

Now, suppose the United States and Great Britain had a dispute. Great Britain has six votes in the assembly, has she not?

Mr. MILLER. Well, there is a vote for each of the four dominions, and one for India.

Senator BRANDEGEE. How many does that make for Great Britain, the British Empire altogether? You know what the British Empire is, do you not?

Mr. MILLER. I do, but——

Senator BRANDEGEE. How many votes does the British Empire have in the assembly altogether?

Mr. MILLER. The British Empire has one vote, Canada has one vote, Australia has one vote, New Zealand has one vote——

Senator BRANDEGEE. Wait a minute.

Senator HITCHCOCK. I insist that the witness be allowed to finish his answer.

Senator BRANDEGEE. I do not are.

Senator HITCHCOCK. The committee has a right to have the question answered.

Senator SWANSON. It is the committee, not a matter of the Senator personally.

Senator MCCUMBER. I think the witness should answer the question.

Senator SWANSON. This is not done entirely for any one Senator. It is for the entire committee.

Senator BRANDEGEE. I have the right to call the attention of the witness to what I think was a misstatement. I am going to give the witness a chance to answer the question.

Mr. MILLER. I should like to complete the answer.

Senator BRANDEGEE. I should like to suggest to you the difference between the British Empire and the United Kingdom.

Senator MCCUMBER. The witness was enumerating the votes that the British Empire had in the assembly.

Senator BRANDEGEE. Please enumerate the votes that the British Empire has in the assembly.

Mr. MILLER. The British Empire has one vote, Canada has one vote, Australia has one vote, New Zealand has one vote, South Africa has one vote, and India has one vote.

Senator BRANDEGEE. Is not Canada a part of the British Empire?

Mr. MILLER. Yes.

Senator BRANDEGEE. Then, why do you say the British Empire has one vote and Canada has one vote?

Mr. MILLER. Because that is what the covenant says.

Senator BRANDEGEE. Does it not say that Great Britain has one vote, and its self-governing colonies, Canada, New Zealand, and India each have one vote?

Mr. MILLER. It does not.

Senator BRANDEGEE. The British Empire altogether has six votes, has it not, in the assembly?

Mr. MILLER. I can only answer it except in the way I have answered it.

Senator BRANDEGEE. What is the total of the votes that the British Empire has, as you have answered it?

Mr. MILLER. The total as I have answered it is that the British Empire has one vote, Canada has one vote, Australia one vote, India one vote, South Africa one vote, and New Zealand one vote.

Senator BRANDEGEE. That makes six votes under the control of the British Empire, does it not?

Mr. MILLER. Not in my opinion.

Senator BRANDEGEE. Now, the covenant provides, does it not, that a party to the dispute can not sit in judgment, can not participate in the judgment by the assembly?

Mr. MILLER. To be precise, it excludes that vote in certain consequences.

Senator BRANDEGEE. Does it not exclude the vote of the parties to the dispute, from participation in the proceedings, in the settlement of the dispute?

Mr. MILLER. No; they participate in the proceedings, Senator. There is no provision that they shall not participate in the proceedings.

Senator BRANDEGEE. What does it mean then, when it says in the part I have read—

Provided, That a report made by the assembly, is concurred in by the representatives of those members of the league represented in the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute?

Mr. MILLER. That is exclusive in relation to the concurrence.

Senator BRANDEGEE. They can not participate in making the report, can they?

Mr. MILLER. I do not see why they can not.

Senator BRANDEGEE. I do not see how they can, if this English language means what I think it does:

Provided, That a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute.

Does not that exclude them from participation in the report?

Mr. MILLER. No, sir; because that is not what it says. It says a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council, and a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute.

That is in regard to concurrence by the representatives of those members represented on the council, and in regard to the concurrence of a majority of the other members of the league. "Exclusive" relates to that. The effect of the vote is the effect of their concurrence or nonconcurrence, as described here.

Senator BRANDEGEE. And do you understand by that where two nations are members of this league, and at the request of one of them a dispute has been referred to the assembly, that the parties to the dispute can participate in the decision of their own case?

Mr. MILLER. They take part, yes; but under this provision their concurrence or their nonconcurrence does not affect certain results of the decision.

Senator BRANDEGEE. Do you mean that they can vote on the adoption of the report?

Mr. MILLER. In my opinion, yes.

Senator BRANDEGEE. Well, I just wanted to get your opinion.

Senator HARDING. May I ask a question right there?

Senator BRANDEGEE. Certainly.

Senator HARDING. Suppose a case affecting Australia should go from the council to the assembly for settlement, and under this provision a majority vote of the assembly carried the decision, if it is concurred in by the members of the council apart from those concerned in this dispute, would the other representatives of the British Empire be restrained from voting in the assembly if it was a matter in which Australia was concerned?

Mr. MILLER. May I ask a question, Senator?

Senator HARDING. Certainly. I want to make it clear.

Mr. MILLER. The dispute is between Australia and some other——

Senator HARDING. Some other country than Great Britain. We will say it is between Australia and the United States, for example?

Mr. MILLER. Yes.

Senator HARDING. And we will say that the matter in dispute is agreed on in the council except by Australia. Australia has no place in the council.

Mr. MILLER. If it was referred to the council, Senator, there is a provision in Article IV—

> Any member of the league not represented on the council shall be invited to send a representative to sit as a member at any meeting of the council during the consideration of matters specially affecting the interests of that member of the league.

Senator HARDING. Let us disregard that. Let us assume that the dispute between the United States and Australia goes from the council to the assembly. The point I am trying to clear up is, will Great Britain and Canada and India and her other possessions, other than Australia have a right to vote in the assembly in that decision?

Mr. MILLER. I think, Senator, there is some doubt as to that. I can only give you my own opinion, which is that they would.

Senator HARDING. That they would?

Senator BRANDEGEE. I was going to ask him that very question.

Senator SWANSON. Let him finish.

Mr. MILLER. I had not quite finished my answer, Senator. I paused, but I had not quite finished.

Senator BRANDEGEE. I beg your pardon.

Mr. MILLER. Although I wish to point out that you used the words "Great Britain" I think that name does not appear in the treaty.

Senator HARDING. You know what I mean. I mean the associated governments of the British Empire.

Mr. MILLER. But I pointed out, Senator, that the British Empire——

Senator HARDING. The British Dominions. Choose any term you like. You know precisely what I mean.

Mr. MILLER. Yes, Senator, there was no misapprehension, but I wanted to allude to the point, because the words "British Empire" as used here, include various parts of the British Empire that are not dominions, that are outside of dominions. That is the British Empire here.

Senator HARDING. I am not trying to be querulous or smart about it. I am trying to get at this fact: In a dispute between one of Britain's dominions which participated with her in the defense of the realm, arising between that dominion and the United States, it goes apparently to the assembly for a vote. Will India and England and Canada and the other British possessions, other than the one party to the dispute, have votes in the assembly in determining the question?

Mr. MILLER. I am inclined to think they would, Senator, because this covenant has gone very far in the direction of making Australia a separate entity internationally. I do not say that it has reached that point, but I do say that it has gone very far in that direction in my opinion.

Senator FALL. She is a separate party to the treaty herself?

Mr. MILLER. The treaty is made——

Senator FALL. I was referring to pages 5 and 7, which I have before me. She signed by her representatives.

Mr. MILLER. Yes, under their theory, as I understand it, the treaty is made by the King for the British Empire and for Canada and for Australia and so on.

Senator FALL. Whatever the theory may be, it says:

His Majesty, the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emporor of India, by:
The Right Honorable David Lloyd George, M. P., first lord of his treasury and prime minister;
The Right Honorable Andrew Bonar Law, M. P., his lord privy seal;
The Right Honorable Viscount Milner, G. C. B., G. C. M. G., his secretary of state for the colonies;
The Right Honorable Arthur James Balfour, O. M., M. P., his secretary of state for foreign affairs;
The Right Honorable George Nicoll Barnes, M. P., minister without portfolio;
And—
For the Dominion of Canada, by:
The Honorable Charles Joseph Doherty, minister of justice;
The Honorable Arthur Lewis Sifton, minister of customs;
For the Commonwealth of Australia, by:
The Right Honorable William Morris Hughes, attorney general and prime minister;
The Right Honorable Sir Joseph Cooke, G. C. M. G., minister for the navy;
For the Union of South Africa, by:
General the Right Honorable Louis Botha, minister of native affairs and prime minister;
Lieutenant General the Right Honorable Jan Christian Smuts, K. C., minister of defense;
For the Dominion of New Zealand, by:
The Right Honorable William Ferguson Massey, minister of labor and prime minister;
For India, by:
The Right Honorable Edwin Samuel Montagu, M. P., his secretary of state for India;
Major General His Highness Maharaja Sir Ganga Singh Bahadur, Maharaja of Bikaner, G. C. S. I., G. C. I. E., G. C. V. O., K. C. B., A. D. C.

Mr. MILLER. It was to that that I alluded.

Senator BRANDEGEE. Now, I want to resume my examination. I was just about, in the next question, to ask you the very question that Senator Harding asked. I notice on page 43 of this treaty in the annex it describes the original members of the league of nations signatories of the treaty of peace. They are so headed, and when it comes to the British Empire these words are used: "British Empire," "Canada," "Australia," "New Zealand," "South Africa," "India."

There are six of them. There are six votes, as I understand it, in the assembly, to which upon the request of either party, within 14 days after a dispute comes to the council, the dispute must be removed. Now, I ask you this: Suppose a dispute develops between what I suppose as correctly described as the United Kingdom of England, Ireland, Scotland, and Wales, which I suppose is called Great Britain; supposing a dispute arises between that portion of

the British Empire and the United States of America, and upon the request of the United States of America the dispute is removed from the council to the assembly, where there are these six British votes: what we call the United Kingdom, and these self-governing colonies, Australia, Canada, South Africa, India, and New Zealand, which are parts of the British Empire. Would they be allowed to have five votes in that dispute while the United States is excluded from any vote?

Mr. MILLER. I think I have answered that, Senator.

Senator BRANDEGEE. I should like to have you answer it now!

Mr. MILLER. I think I have answered that if the dispute were such that it in no way involved any of the dominions or India, which is proposed by your hypothesis——

Senator BRANDEGEE. My hypothesis is that they are part of the British Empire, and are allowed to sit in a dispute between a part of the British Empire and the United States, while the United States is clearly excluded from participation. I wanted to know if that was your understanding, or whether you consider the question to be in doubt?

Mr. MILLER. I think it is in a great deal of doubt, Senator, because it is very difficult to imagine a dispute in which the British dominions and India would not be interested in the result.

Senator BRANDEGEE. It seems to me so. That is, it is difficult to imagine a case where they would not be interested, but it does not seem to me there is any doubt about it; but if it is in doubt, in your opinion as an international lawyer and as the expert adviser of the commission that drafted the league of nations covenant, do you not think now is the time to clear up that doubt, before we take the chances of submitting a vital dispute affecting the United States to a tribunal from which we are excluded and in which Great Britain, or the British Empire, may have five votes to our none? Is not now the time to clear that up?

Mr. MILLER. Why, Senator, my doubt was as to the possibility of the hypothesis.

Senator BRANDEGEE. What is there about the hypothesis that is doubtful?

Mr. MILLER. That there might be a dispute affecting the British Empire in which Canada and the other dominions and India were not interested. The question which the Senator from Ohio (Mr. Harding) asked me was concerning a dispute with Australia, which is a possibility, I admit.

Senator BRANDEGEE. I know his question involves the question whether Great Britain—or England, Ireland, Scotland, and Wales, as I understood you—would be allowed to vote on the Australian dispute? My question is whether in a dispute between Great Britain, Ireland, Scotland, and Wales on the one hand, and the United States of America on the other, all the other members of the British Empire which are allowed delegates in the assembly are to be allowed to vote in a case in which the British Empire is interested, while we are to be excluded from voting on the report on that dispute. You understand the question, do you not?

Mr. MILLER. Yes, I understand the question, Senator. The doubt I expressed was not as to the answer to the question, but as to the possibility of the case arising.

Senator BRANDEGEE. Do you mean that you deny the possibility of the United States ever having a difference of opinion with Great Britain which would come under the jurisdiction of the council of the league of nations?

Mr. MILLER. Oh, no; that is possible; but——

Senator BRANDEGEE. Assuming that that possibility has arisen, and I repeat the question which I just asked you, and to which I did not quite understand your answer. You, however, seem to doubt something——

Mr. MILLER. I will make it perfectly clear.

Senator BRANDEGEE. I wish you would.

Mr. MILLER. Suppose a dispute between the British Empire and the United States: As I understand it, in that dispute neither Canada, Australia, New Zealand, South Africa, or India has any interest.

Senator BRANDEGEE. They are parts of the British Empire, are they not?

Mr. MILLER. If they have an interest, then they would be parties to the dispute. That is what I am in doubt about.

Senator HARDING. Who determines that?

Senator BRANDEGEE. Do you claim there can be any dispute between the British Empire and the United States of America in which the units that compose the British Empire are not interested?

Mr. MILLER. That was the point I was raising, Senator; because then, if——

Senator BRANDEGEE. Suppose——

Senator SWANSON. Let him finish his answer.

Senator BRANDEGEE. Very well; let him answer. I am glad to have him.

Mr. MILLER. In that case they would be interested and would come within the provisions of parties to the dispute, and would be excluded.

Senator BRANDEGEE. In which case?

Mr. MILLER. In that case.

Senator BRANDEGEE. In which case?

Mr. MILLER. In the case of a dispute in which, as you say, they would be interested, they would come within the expression "parties to the dispute."

Senator BRANDEGEE. Can you imagine a case in which a dispute arose between the United States and that portion of the British Empire composed of England, Ireland, Scotland, and Wales, which would not interest all the members of the British Empire as an Empire?

Mr. MILLER. That is what I can not imagine, Senator, and that is why I say they would be parties to the dispute and would be excluded as against the United States.

Senator BRANDEGEE. Then, is it your understanding that no dispute could arise between the United States on the one hand and England, Ireland, Scotland, and Wales on the other hand in which all members of the British Empire would not be interested?

Mr. MILLER. I can not think of any such dispute.

Senator BRANDEGEE. Then you think they all would be excluded, instead of having the right to participate, do you not?

Mr. MILLER. In the case you suppose.

Senator BRANDEGEE. Then what did you mean by saying in your previous answers that you had some doubt about it?

Mr. MILLER. That was not the same question. That was if there was a possibility of dispute between Australia and the United States.

Senator BRANDEGEE. Have you any doubt that there might be a dispute between Australia and the United States?

Mr. MILLER. Oh, no; there might be.

Senator BRANDEGEE. Very well. In that case would the other self-governing colonies of the British Empire be excluded from participation in the assembly?

Mr. MILLER. It is very difficult to imagine a case where the others would not be interested, but I think perhaps it is possible to imagine such a case, where the interests of Canada would be adverse to Australia.

Senator SWANSON. I think the question was——

Senator BRANDEGEE. I do not care to be interrupted——

Senator SWANSON. The question was——

Senator BRANDEGEE. I am conducting this examination, and you have no right to interrupt it without I yield to you.

Senator SWANSON. If the Senator insists, I will not press my question for the present.

Senator BRANDEGEE. I do not yield. As I understand you, Mr. Miller, there might arise a case where one English colony was interested in a dispute, and it would be doubtful whether another English colony would be interested or not.

Mr. MILLER. I think it is very difficult to visualize a case where it would be doubtful, but it is perhaps possible, Senator.

Senator BRANDEGEE. I can not conceive that there would be any doubt that one part of the British Empire would be interested in anything that affected the whole British Empire, just as any State of the American Union would be interested in everything that pertains to the United States of America. But if there was a doubt or could be a doubt in any case, in your opinion who would decide the question of whether they were interested or not?

Mr. MILLER. Let me explain, Senator.

Senator BRANDEGEE. Certainly, that is what I am asking you about.

Mr. MILLER. When I answered the Senator from Ohio he raised the question of Australia. I was thinking of it as perhaps a possibility—a technical possibility. I can not think of a concrete case which would arise, but perhaps some such case could arise. None have been suggested that I know of, and it seems to me that the presumption would certainly be that a dispute involving one part of the British Empire would involve all of it.

Senator BRANDEGEE. Do you think you have answered the question? You know I asked you who would decide the question in case there was a doubt. Do you think you have answered that question?

Mr. MILLER. I do not think I have fully answered it.

Senator BRANDEGEE. No; I did not think you had. Do you care to answer it?

Mr. MILLER. Oh, yes. I think the presumption would be, certainly, that every part of the British Empire was interested.

Senator BRANDEGEE. If there was a doubt, and it was only depending upon a presumption, who would decide the doubt?

Mr. MILLER. It would seem to me that it would require the unanimous vote of the assembly to permit any part of the British Empire to participate in that case.

Senator BRANDEGEE. In that case the very people who might be interested—the question is, being interested, are they to be allowed to vote in their own case?

Mr. MILLER. Their vote, in my judgment, would not have any effect on the matter, because every other power would have to agree unanimously that they be admitted.

Senator BRANDEGEE. But would they be allowed to vote or not?

Mr. MILLER. I answer that by saying that they would, in my opinion, be allowed to vote—to record what they thought—but that it would not affect the result.

Senator BRANDEGEE. Do you mean to say that a party whose right to participate in the proceedings is challenged because he may be interested would be allowed to vote as to his own qualifications, as to whether he was interested and should be excluded or not.

Mr. MILLER. I think he would have a right to record his view that he was not interested.

Senator BRANDEGEE. I did not ask you about recording his view, or making an oral statement. I asked you, would he have a right to vote on the question and have his vote counted as determining his own credentials?

Mr. MILLER. I said his vote would not count in my opinion.

Senator BRANDEGEE. Then, what would be the use of letting him vote at all if you would not count his vote?

Mr. MILLER. That applies to a great many votes, Senator.

Senator BRANDEGEE. Some in the South; yes. I did not suppose the league was going to do business on those principles.

Mr. MILLER. It applies to any minority vote, where a majority controls.

Senator BRANDEGEE. Well, I give it up.

Senator HARDING. I think it will help us to get an understanding if you will return for the moment to the language in article 15, if the witness will say to us whether a prejudicial or fraternal interest makes one of the British subsidiary powers a party to the dispute. It says in the language used here—

Exclusive in each case of representatives of the parties to the dispute.

Is there any construction whereby in a strictly technical way a British dominion would become a party to a dispute raised by another dominion? Let us go back, for example, to our Australian question.

Mr. MILLER. Yes.

Senator HARDING. If we had a dispute with Australia, do you construe it that Canada could in any way be counted as a party to the dispute?

Mr. MILLER. Well, Senator, it might be possible to think of a case where Canada would have no interest, but it seems to me——

Senator HARDING. But now, mark you, the language does not say "having an interest."

Mr. MILLER. No.

Senator HARDING. It says "a party to the dispute."

Mr. MILLER. Yes.

Senator HARDING. And that is precisely what I am anxious to see cleared up. I can not myself conceive, these nations being members

of the league, how any of them save the one directly interested can be in any way a party to the dispute, though I can very well conceive of every one of them being interested.

Senator McCUMBER. Let me ask right there: If we have any trouble with Canada, where do we go to settle that trouble? We go to Great Britain—that is, the British Empire, as represented by Great Britain—do we not?

Mr. MILLER. Yes.

Senator McCUMBER. We want to settle it diplomatically. Canada has no diplomatic agent here. We have to deal with Great Britain, do we not?

Mr. MILLER. The theory and the practice are very different in that regard. Theoretically we deal with London, but it is not so practically.

Senator McCUMBER. But she, of course, refers the matter to her dominion, and will generally go in accordance with the wishes of that dominion; but in all cases in matters of dispute between the United States and the Dominion we must deal with the British Government, must we not?

Mr. MILLER. Senator, I want to repeat, because I do not think it is technical at all—I think it is very practical—that the negotiations in that event have been carried on directly with Canada. That is a practical matter.

Senator HITCHCOCK. Canada has no diplomatic relations with any country?

Mr. MILLER. No.

Senator HITCHCOCK. If a dispute arises, it is a dispute between the British Empire, representing Canada, and the other Government.

Mr. MILLER. That is true, Senator.

Senator HITCHCOCK. So that any dispute that could arise between the United States and the Dominion of Canada involves the whole British Empire.

Mr. MILLER. It seems so to me, Senator; but I mean to say that as a practical matter somebody is usually appointed who is satisfactory——

Senator HITCHCOCK. That is not the question. But it disqualifies the whole British Empire from participating in the decision.

Mr. MILLER. In my opinion, I can not conceive of a case where it would not be interested.

Senator McCUMBER. That is what we wanted to understand.

Senator HITCHCOCK. If a dispute arises between the British Empire and the United States, does not that disqualify all of the parts of the British Empire from participating?

Mr. MILLER. It would seem to me that it would be impossible to suppose that they were not parties to the dispute.

Senator HITCHCOCK. Yes; certainly.

Mr. MILLER. In that case.

Senator McCUMBER. Are there any other questions?

Senator FALL. Yes. I should like to see if we can get at the truth of this business. Under the status as it exists to-day between the United States of America and Great Britain, it is true that a diplomatic question affecting Canada would be taken up by Great Britain; but what will be the status after the adoption of this treaty?

Senator HITCHCOCK. The same thing——

Senator FALL. You are answering for the witness, and you and I disagree absolutely.

Senator HITCHCOCK. I thought you were asking me.

Senator FALL. I say, granting that disputes between the United States and Canada to-day are taken up to Great Britain, which is the truth, what will be the status if this treaty is ratified? I will go on and explain a little further. You said, Mr. Miller, that you could not imagine a case in which Great Britain might be interested and her colonies not be interested. Great Britain has a coastwise trading act applicable to the Kingdom of Great Britain, but not applicable to Canada or Australia, just as we have a coastwise trading act.

Mr. MILLER. We have. I am not sure about the British act.

Senator FALL. You are not familiar with the general navigation act of Great Britain?

Mr. MILLER. I am not clear that it is just like ours.

Senator FALL. You know that under the British North American Act of Union, of 1867, the different Provinces of Canada have jurisdiction over lands and mines and real estate and timber, etc., within their own confines, and that under that act of 1867 and subsequent acts amendatory to it the general Dominion Government of Canada exercises appellate jurisdiction over those matters, and in some cases original jurisdiction, and has absolute control, aside from any control whatever of Great Britain over such objects, do you not?

Mr. MILLER. Yes; I know generally the effect of that act.

Senator FALL. Then there could be a case arising between one of those Provinces, which has entire self-government and control of this property, and the United States, which in so far as the subject-matter was concerned would not interest the other Provinces, except as they might say they would generally be interested in the welfare of one another.

Mr. MILLER. A dispute between one Province of Canada——

Senator FALL. One of the dominions of the British Empire and the United States, in which the other dominions of the British Empire would not be interested, just as you have suggested that there might arise such a case in Australia. Now, if Australia has final jurisdiction over her land matters, or, for instance, over certain harbors in Australia, and she owns her own railroads, with which Great Britain has absolutely nothing to do, and New Zealand owns her own railroads, a question might arise between New Zealand and the United States or some other country, in which Canada was not interested at all. Ordinarily such a dispute with a foreign country would go to Great Britain, and through diplomatic arrangements she might bring pressure to bear on New Zealand or Australia, exactly as the dispute between Japan and the United States over the exclusion act in California, so far as the public schools are concerned, or over the land act of California, might indirectly involve the United States. The United States might bring pressur t bear upon the State of California. Might not that condition arise with reference to such a dispute as we have been discussing?

Mr. MILLER. It is very difficult, Senator, for me to see how it would not involve the rest of the British Empire——

Senator FALL. The difference is simply this, that this is the United States of America, and that you gentlemen over there around the

peace table gave six votes to Great Britain—that is, to the United Kingdom one vote, to Canada one vote, to Australia one vote, to South Africa one vote, to India one vote, to New Zealand one vote, or six votes altogether, and you did not give a vote to the State of California, or to the State of New York, or to any one of the 48 States of our Union. There is the difference.

Mr. MILLER. May I have it appear in the record, Mr. Chairman, that my answer to the previous question was not completed?

Senator MCCUMBER. The witness can now complete his answer.

Senator FALL. I beg the pardon of the witness. I thought he had completed his answer.

Senator MCCUMBER. It is not necessary to ask the pardon of anyone. The witness has signified that he has not completed his answer. and he is now allowed to complete it.

Senator FALL. I will be very glad to hear it.

Mr. MILLER. I do not remember just the words of the question, or how far I had got in my answer, but I had not completed it.

Senator MCCUMBER. Let the stenographer read the question and the answer as far it had gone.

(The stenographer read as follows:)

Senator FALL. One of the dominions of the British Empire and the United States in which the other dominions of the British Empire would not be interested, just as you have suggested that there might arise such a case in Australia. Now if Australia has final jurisdiction over her land matters, or for instance, over certain harbors in Australia, and she owns her own railroads, with which Great Britain has absolutely nothing to do, and New Zealand owns her own railroads, a question might arise between New Zealand and the United States or some other country, in which Canada was not interested at all. Ordinarily such a dispute with a foreign country would go to Great Britain, and through diplomatic arrangements she might bring pressure to bear on New Zealand or Australia, exactly as the dispute between Japan and the United States over the exclusion act in California, so far as the public schools are concerned, or over the land act of California, might indirectly involve the United States. The United States might bring pressure to bear upon the State of California. Might not that condition arise with reference to such a dispute as we have been discussing?

Mr. MILLER. It is very difficult, Senator, for me to see how it would not involve the rest of the British Empire——

Senator MCCUMBER. Now you may complete your answer.

Mr. MILLER. It is very difficult for me to see how it would not involve the rest of the British Empire, because a dispute regarding any such matters would arise under treaties which had been made with the British Empire.

Senator FALL. That is the answer, is it?

Mr. MILLER. That is all.

Senator BRANDEGEE. Let me ask this one question: Under the language of the clause of the covenant of the league of nations which we have been discussing—

Exclusive in each case of the representatives of the parties to the dispute—

If we had a dispute with Australia, would you consider that all the other countries which constitute the British Empire were parties to that dispute?

Mr. MILLER. It would seem to me, Senator, that in any case that I can think of they would be. I do not say that it is not possible to imagine a theoretical case, some dispute that might arise in the future, particularly if the relations of the British Empire change interse.

Senator BRANDEGEE. What I am surprised at is that your answer now seems to be diametrically opposed to what it was when I asked you these questions in the earlier part of your examination; because you were saying then, as I understood it, that a dispute with one of the self-governing colonies of the British Empire would not exclude the other members of the British Empire from participating in the report on that dispute.

Mr. MILLER. If I recollect, I said that a case could be imagined. I said I did not imagine any. I said that in reply to the Senator from Ohio [Mr. Harding].

Senator BRANDEGEE. I will put the question in this way, then: If we have a dispute with England, Ireland, Scotland and Wales, for instance, do you think that any of the British self-governing colonies can participate in the report on that dispute?

Mr. MILLER. No; I do not think so.

Senator BRANDEGEE. You think they would all be excluded?

Mr. MILLER. I think they will all be excluded in that case by this language; but we must remember, without regard to the technical question of voting, that they would have no effect on the result.

Senator BRANDEGEE. They could not participate in the report, could they?

Mr. MILLER. They might concur in the report in favor of the United States if they chose.

Senator BRANDEGEE. What does it mean then by saying—

Exclusive in each case of the representatives of the parties to the dispute.

Mr. MILLER. It means this, that their concurrence or nonconcurrence is immaterial. It might well be that Canada or Australia would concur with the view of the United States against the British Empire in a dispute between the British Empire and the United States.

Senator BRANDEGEE. How can that be so when the very language of the act is—

Provided, That a report made by the assembly if concurred in by the representatives of those members of the league represented on the council and a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute.

Does not that exclude them even from the privilege of concurring in the report, which you say they have the right to do?

Mr. MILLER. No, Senator; this is what I think it means. Let me take an arbitration case to illustrate exactly what I mean; and in order to simplify it, may I take the council instead of the assembly? The council is composed at present of nine members. Now I will assume that the dispute is between two States represented on the council. The provisions of article 15 are that if the report is concurred in by the other seven members, it has a certain effect, but it does not say that one of the other two may not concur in it if he chooses; but his concurrence in it or his dissent from it would not affect the result that the report concurred in by the seven members would have. The distinction, I admit, has no practical result; but you asked me as to the precise language and I think that is the effect of it.

Senator BRANDEGEE. I was asking, of course, not as to the council but as to the assembly, and that is what I have directed my entire

examination to, because it is in the assembly that the self-governing colonies of the British Empire have votes, and not in the council.

Mr. MILLER. Yes.

Senator BRANDEGEE. Therefore what you say about the council is not responsive at all to my question.

Mr. MILLER. Well, Senator, it is intended to be responsive. I took it for the sake of simplicity of numbers. I did not intend to evade the question.

Senator BRANDEGEE. I know you did not. I did not know that you saw the point of my question. Of course, the question does not arise in the council as to whether the self-governing colonies of Great Britain can vote, but that question continually arises in the assembly where each self-governing colony has a vote, and there are six votes of the British Empire in the assembly; and the whole object of my inquiry for the last hour has been to ascertain whether, the United States being excluded certainly from concurring in the report of the assembly because it is a party to the dispute—the question is whether all the British self-governing colonies are excluded also in case of a row between the United States and Great Britain itself. The council has nothing to do with it. I am talking about the assembly.

Mr. MILLER. But the provisions are the same.

Senator BRANDEGEE. The provisions are not the same, because Great Britain has only one vote in the council and we have one vote. In the assembly Great Britain has six votes and we have one, and if we are a party to a dispute with Great Britain our one vote is excluded, and we can not concur in it because we are a party in interest; and I understood you first to say that the self-governing colonies, if they themselves were not original parties to the dispute, could sit there and vote, although Great Britain was concerned.

Mr. MILLER. Oh, no; I never said that. You are mistaken. I did not say that.

Senator BRANDEGEE. I will have to leave that to the record, and I can not quote the whole record. But that was clearly what I understood you to say.

Mr. MILLER. No, Senator, I did not say so, and I am sure the record will show it.

Senator BRANDEGEE. I will leave it to the record.

Mr. MILLER. In what I said in answer to your last question I took the council simply for the sake of simplicity of numbers. My opinion is the same as to the assembly. I think in a dispute between the British Empire and the United States the votes of the dominions and of India would not count in the force that the report would have under the last paragraph of article 15; but I do think there is nothing in article 15 which would prevent one of the dominions or all of them from concurring in that report in favor of the United States and against the British Empire; but their concurrence would not affect or change the force of the report.

Senator BRANDEGEE. If they have the right to concur, they certainly have the right to nonconcur, have they not?

Mr. MILLER. Yes.

Senator BRANDEGEE. That means to vote against it, does it not?

Mr. MILLER. And that would not have any effect upon the force of the report.

Senator BRANDEGEE. Not if they were outvoted, of course.

Mr. MILLER. No, but their votes are not counted, according to the ast paragraph of article 15, in my opinion.

Senator BRANDEGEE. Not only not counted, but the language is that they are excluded from concurrence, in my opinion; but I will leave it right there.

Mr. MILLER. I do not think there is any practical difference between what you have expressed and what I have expressed.

Senator BRANDEGEE. Well, I do.

Senator MCCUMBER. Are there any other questions?

Senator SWANSON. Let us see what is the practical effect of this. Let us see if I have got it clear in my mind about going to the assembly. The United States has a dispute. The United States has agreed that it will not go to war in a dispute provided it has been referred to the assembly, and provided that the members of the council represented in the assembly, and the majority of the members of the assembly agree on a report—excluding the members interested.

Mr. MILLER. Yes.

Senator SWANSON. Now, when it comes up it is left to the United States to determine, when that report is made, whether a majority, either in the council or the assembly, is composed of people not interested, is it not? That is what is required to make it binding on us under our obligation not to resort to war. That is the only obligation we assume. The obligation not to go to war is in a case where a majority of the assembly not interested, not counting the votes of those interested, have made a report, or there is unanimity of the council, not counting those interested. She is left to judge when that report is made and the vote is recorded, as to whether that situation is complied with or not, is she not?

Mr. MILLER. Yes. I do not see, Senator, how there could be any difference. It would have to be all the members of the council, or it would have to be a majority of the assembly, excluding those interested.

Senator SWANSON. When you get to the assembly the United States may say that the six members representing Great Britain are interested, and that consequently they have not got a majority of the assembly, and not having a majority, our obligation not to resort to war has not been imposed. Who determines as to whether a majority of the assembly is composed of people not interested?

Mr. MILLER. The United States would count and see.

Senator SWANSON. My contention is that the United States would count the number of votes in the assembly, and then if there was a majority, excluding those who are interested—and she would have to determine that for herself whether they were or not—then her obligation under that would accrue, would it not?

Mr. MILLER. Her obligation would accrue.

Senator SWANSON. I mean the obligation has not accrued until she is satisfied that a majority in the assembly of those not interested have voted against her, or if there is a unanimous report by the members of the council?

Mr. MILLER. All of them unanimously except the parties to the dispute.

Senator SWANSON. When that report is made, it is not binding unless that is the condition?

Mr. MILLER. It has no effect.

Senator SWANSON. Who determines whether that condition has been complied with or not?

Mr. MILLER. It says specifically that in that case the members of the league reserve to themselves the right to take such action as they may consider necessary.

Senator SWANSON. But suppose you have 160 men in the league and 83 of them vote one way, and in that 83 there are the six representatives of Great Britain in the assembly. If we take those six away, it does not leave a majority. The United States says, "If you take six from this report, it is not a majority of the assembly, and consequently I am not bound." Who determines that question?

Mr. MILLER. The United States would say it is not bound. It is not bound, in my opinion, according to the language of the treaty.

Senator SWANSON. Consequently it would be left to the United States to determine whether the six members representing the British Empire were sufficiently interested that their concurrence in the report would not count. What is your judgment on that?

Mr. MILLER. I do not think it would be doubted at all that they were not to be counted by the United States or anybody else.

Senator MOSES. In other words, we take on an obligation in the covenant which leaves us to do as we please?

Mr. MILLER. No, Senator, I do not think you can say that, but it is true in any international agreement of any kind, of any treaty, that in the last analysis the power that signs the treaty says that it will do this, that, or the other thing. It is very difficult to draw the line between what the party to a treaty is bound to do, and the particular decisions that may come up at particular times, as to just how it shall do it. That is very difficult.

Senator MOSES. Do you find in your answer any justification for Germany in her tearing up the treaty with reference to the neutrality of Belgium?

Mr. MILLER. Oh, no; because that was a case where there could be no doubt whatever, and furthermore Germany admitted it. Germany said, "We have violated this treaty."

Senator MOSES. Then, you think the stipulations of this covenant are not sufficiently clear, so as to obviate all these doubts in the interpretation of questions arising under the covenant?

Mr. MILLER. I think they are sufficiently clear. I do not think there will be differences of opinion of any serious character regarding the interpretation of the covenant.

Senator MOSES. There seem to have been quite a number around this table.

Mr. MILLER. I think that is quite a different thing, Senator.

Senator MCCUMBER. I want to ask you just one or two questions bearing on this same subject, and call your attention to Article V of the treaty, which says:

> Except where otherwise expressly provided for in this covenant or by the terms of the present treaty, decisions at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting.

That, of course, means a unanimous vote?

Mr. MILLER. Yes.

Senator MCCUMBER. The exception is found immediately in the following paragraph:

> All matters of procedure at meetings of the assembly or of the council, including the appointment of committees to investigate particular matters, shall be regulated

by the assembly or by the council, and may be decided by a majority of the members of the league represented at the meeting.

Mr. MILLER. Yes.

Senator MCCUMBER. In other words, practically all matters except those of procedure must be by a unanimous vote. Now, turning again to page 31, which relates to the transferring of a matter from the council to the assembly—all matters must first go to the council; that is, all matters of dispute—and then the council may in any case, under this article, refer the dispute to the assembly. That means, of course, that there is a discretion there in the council to refer the matter.

Mr. MILLER. Yes.

Senator MCCUMBER. Otherwise there will be no necessity for that provision at all. Now, inasmuch as that is not a mere matter of procedure but a matter affecting the vital interests of the parties—that is, as to where it shall be sent for determination—that would require a unanimous vote in the council, would it not?

Mr. MILLER. Yes.

Senator MCCUMBER. Very well, then, if it required a unanimous vote, and the United States had any doubt or fear about being outvoted in the assembly, she would not be required to send it to the assembly, would she?

Mr. MILLER. No; she would vote against it.

Senator MCCUMBER. She would vote against it, and if she voted against it, it could not go to the assembly?

Mr. MILLER. No; not under that provision.

Senator MCCUMBER. That is all I desire to ask.

(Thereupon, at 1.35 p. m. the committee adjourned until Wednesday, August 13, 1919, at 10.30 a. m.)

(Subsequently, at his request, the following letter from Mr. Miller was ordered printed in the record:)

DEPARTMENT OF STATE,
Washington, August 15, 1919.

Hon. HENRY CABOT LODGE,
Chairman Committee on Foreign Relations, United States Senate.

DEAR SIR: In reading over the print of my testimony before the Committee on Foreign Relations of August 12, I have observed certain errors, mostly typographical, which I have indicated in the inclosed print, and I request that the record be corrected accordingly.

Referring to pages 411 and 412 of the record, there was obviously some confusion as to the identity of Mr. Cecil J. B. Hurst. In justice to Mr. Hurst, I venture to suggest that the record be changed by striking out everything after the question on page 411, "What is the full name of this Mr. Hurst?" down to and including the words, "Senator Brandegee. That is all," on page 412, and that the following be inserted:

"Cecil J. B. Hurst. Mr. Hurst has been connected with the British foreign office since 1902. He was technical delegate and legal adviser to the British Government at the Second Hague Conference in 1907, and appeared before the British-American Claims Commission, at its sessions in the United States."

The questions which were asked obviously related to Mr. Francis W. *Hirst*, but even a careful reading of the record does not make this clear.

Faithfully, yours,

DURAND HUNTER MILLER.

MONDAY, AUGUST, 18 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to the call of the chairman, at 10 o'clock a. m., in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), McCumber, Borah, Brandegee, Knox, Johnson of California, Moses, Hitchcock, Swanson, and Pomerene.

STATEMENT OF MR. THOMAS F. F. MILLARD.

The CHAIRMAN. Please give your full name.

Mr. MILLARD. Thomas F. F. Millard.

The CHAIRMAN. You have been a newspaper correspondent, have you not?

Mr. MILLARD. Yes; that is my occupation.

The CHAIRMAN. Have you been in China in that capacity?

Mr. MILLARD. Yes; I have been more or less connected with the Far East for 20 years.

The CHAIRMAN. In what capacity?

Mr. MILLARD. As a writer, a journalist, a publisher of newspapers, editor of newspapers.

The CHAIRMAN. I am going to ask Senator Johnson, as he has given particular attention to this matter, to conduct your examination.

Senator SWANSON. If the Senator will allow me, before he begins, I would like to ask Mr. Millard this question: Did you ever hold any official position, or were you ever advisor to the Chinese Government?

Mr. MILLARD. I can state the circumstances to you, and you can judge for yourself. Last February I was in New York. I left China in December and came to New York, and in January and February I wrote the manuscript for a book; and while I was doing that I received a telegram transmitted through the Chinese Legation in Washington, from the Chinese delegation at Paris, asking me if I would come to Paris to advise them in an unofficial capacity. When I had delivered my manuscript, I went on to Paris, and from the time I left New York until I got back they paid my expenses. I received no compensation.

Senator SWANSON. No compensation?

Mr. MILLARD. No. If that constitutes an official connection, why, that is what it amounted to.

I might say in that connection, that it has been the desire of the Chinese delegation at Paris to employ two eminent Americans of reputation as international lawyers, as their official advisors over there; but by reason of advice given to them by our Government, they did not do that. They had an English and a French advisor.

Senator BRANDEGEE. What part of our Government gave them that advice?

Mr. MILLARD. I think the advice was first tentatively rendered through our legation at Pekin and afterwards confirmed at Paris in the early weeks of the assemblage of the conference.

Senator BRANDEGEE. Confirmed by whom at Paris?

Mr. MILLARD. I think, perhaps, by Mr. Lansing, or perhaps communicated through the Far Eastern experts—the advisors of our commission.

Senator BRANDEGEE. Do you know what was the ground of that advice that they should not employ American counsel?

Mr. MILLARD. The explanation given to me by the Chinese was that our Government felt that China's position over there was somewhat that of the ward of the United States. I am not saying that they used that term, I am using that term as descriptive of the situation. There had been preliminary consultations with the Chinese delegation at Peking before they left for Paris, in which they had submitted to our legation at Peking a list of the matters which they wished to bring up at Paris. On the suggestion of our Government, communicated through the minister at Peking, certain matters were eliminated. That is, China was advised that our Government considered that it would be inexpedient and would embarrass matters or complicate matters to raise those questions at Paris, and that led to the elimination of those questions. China did not raise those questions.

Then the matter of employing some expert American advisors was brought up at that time, but I think was deferred for later consideration.

After the peace conference had met at Paris, as I understand it, the matter was brought up again. I, meanwhile, and others, had advised them in a perfectly informal way, myself acting merely as a sort of general friend of China and a man who was known to be a friend of China and familiar with the political questions out there, that they employ a couple of American advisors. I had suggested Mr. John Bassett Moore and Dr. W. W. Willoughbe, who at one time had been employed out there, but neither of those gentlemen went, and I did not know until after I arrived at Paris why they had not gone. Then I was told by the Chinese over there that it had been intimated to them that our Government would prefer that no Americans be officially connected with the Chinese delegation.

Senator BRANDEGEE. Was it stated at any time that the embarrassments to which you refer if they did employ American advisors would be because the plans of our Government or the intention of our Government or of our peace commissioners to protect China would be interfered with if they had American counsel connected with them?

Mr. MILLARD. I could not say that. I could only conjecture about it. That was the explanation given me when I got over there. I asked Mr. Wong, and I asked Dr. Ku, because I had had some correspondence here in America with Dr. Willoughbee, in America, as to whether he was going over there or not. I said "Why didn't you get any of these gentlemen? Their counsel would have been valuable in these circumstances." And then they told me they had not done so because it had been intimated to them that our Government would prefer that they did not. I do not know what the motives of our Government were.

Senator BRANDEGEE. These Chinese gentlemen to whom you refer as having told you these things, were they officially connected with the Chinese delegation?

Mr. MILLARD. They were official envoys of the Chinese Government at Paris.

Senator BRANDEGEE. And your services, as I understand you, were without compensation. Simply your expenses were paid?

Mr. MILLARD. My expenses were paid.

Senator BRANDEGEE. Did you regard it simply as a friendly act?

Mr. MILLARD. It was a friendly act on my part, without any compensation. I probably would have gone to Paris any way.

Senator MCCUMBER. What were your services to be? What were they?

Mr. MILLARD. Just you might say as a sort of friendly counsellor.

Senator MCCUMBER. A counsellor representing the Chinese Government?

Mr. MILLARD. No; I did not represent the Chinese Government. My position was entirely unofficial.

Senator MCCUMBER. I know, but if you were counsel you must have been counsel for somebody or something, and what I am trying to get at is for whom you were acting.

Mr. MILLARD. I have explained the exact circumstances.

Senator BRANDEGEE. You did not say you were counsel. You said you were advisor. Who received the requests of the Chinese over here in Washington? Who made the requests from China—what man?

Mr. MILLARD. It was Dr. Wellington Ku who sent the telegram. He was one of the plenipotentiaries, the former Chinese minister here in Washington.

Senator MCCUMBER. You were to advise on what?

Mr. MILLARD. Whatever they would ask me to advise them about.

Senator MCCUMBER. That is very broad. I assumed that it was technical advice.

Mr. MILLARD. On several occasions—I watched the course of events, and whenever anything came up that I thought worthy of attracting their notice, I would call attention to it or write a memorandum about it or something like that, and on two or three occasions they asked me what I thought about this or that question that came up, and I would write a little memorandum about it.

Senator MCCUMBER. But you were not acting officially in any way?

Mr. MILLARD. Oh, no, sir; in no sense. It was entirely unofficial.

Senator BRANDEGEE. Are you interested in any publications published in the Far East now, or anywhere else, with reference to Far Eastern questions?

Mr. MILLARD. Yes; I am interested in a publication in China.

Senator BRANDEGEE. What is the name of it?

Mr. MILLARD. Millard's Review.

Senator BRANDEGEE. Do you own that?

Mr. MILLARD. No, it is owned by a corporation.

Senator BRANDEGEE. Are you the editor?

Mr. MILLARD. Oh, no; I have been away for the last year or so most of the time, and Prof. J. B. Powell is the editor.

Senator BRANDEGEE. Were you ever the editor of it?

Mr. MILLARD. Yes; I founded that paper.

Senator MCCUMBER. Did you live in Japan at any time during the last 20 years?

Mr. MILLARD. No, sir. I have spent different times over there, sometimes for two or three months at a time. I have been there very frequently but never resided there.

Senator SWANSON. Most of the 20 years you have resided in China?

Mr. MILLARD. I went to China to reside in 1911. Before that I had been there frequently, sojourning there.

Senator SWANSON. Since 1911 you have lived there?

Mr. MILLARD. Yes; I founded a daily newspaper in China in 1911, called the China Press, and edited it for the first five years of its existence at Shanghai.

Senator BRANDEGEE. Do you speak Chinese at all?

Mr. MILLARD. Very little.

Senator HITCHCOCK. Were you in China at the times the Germans acquired their leasehold and other interests in the Shantung Peninsula?

Mr. MILLARD. No; I was first in China in 1897, and that was done the previous year.

Senator HITCHCOCK. Is Millard's Review a self-sustaining publication?

Mr. MILLARD. It is just about breaking even now.

Senator HITCHCOCK. From what does it derive its revenue?

Mr. MILLARD. Ordinary sources—subscriptions and advertising.

Senator HITCHCOCK. Nothing else?

Mr. MILLARD. Nothing else.

Senator HITCHCOCK. It has no subsidy?

Mr. MILLARD. None whatever.

Senator HITCHCOCK. No revenue except from advertising and subscriptions?

Mr. MILLARD. Nothing whatever.

Senator JOHNSON of California. Its attitude has been very different from that of any American papers that are engaged in Japanese propaganda, has it not?

Mr. MILLARD. I do not know as to that.

Senator JOHNSON of California. Your residence in China, Mr. Millard, has been for about 20 years, most of that time at Shanghai?

Mr. MILLARD. As far as I have had any residence there it has been entirely in Shanghai. Of course I have always traveled more or less. I have made different trips to Peking, but my habitat has been Shanghai.

Senator JOHNSON of California. In addition to your journalistic activities have you written any published books on the Far East?

Mr. MILLARD. Yes; I have published several books on the Far East.

Senator JOHNSON of California. What are their titles?

Mr. MILLARD. My first book was published in 1906. It was called The New Far East. In 1907 I published a book called America and the Far Eastern Question. Then I published a small book in 1911. Then I published a book in 1916 called Our Eastern Question.

Senator KNOX. What was the title of the 1911 book?

Mr. MILLARD. That was called The Revolution in China. It was published out there, right in Shanghai, and then it just dropped out of publication and I incorporated some of the contents of that book in a later book, Our Eastern Question, in a more permanent form.

That was published three years ago. Then I published a book the last of May called Democracy and the Eastern Question.

Senator JOHNSON of California. During the time you have been in China you have made an intimate study, have you not, of the Far Eastern question?

Mr. MILLARD. Yes; I think I may say that I have.

Senator JOHNSON of California. Not only in its relation to China, but in its relation to the other powers, including Japan?

Mr. MILLARD. Yes.

Senator JOHNSON of California. You are familiar, are you not, with the situation that exists there at present regarding China and Japan?

Mr. MILLARD. Yes; I think I am.

Senator JOHNSON of California. Just amplify what you were asked by my colleague a moment ago. What was the date you went to Paris in the capacity you have indicated?

Mr. MILLARD. I left New York toward the end of March and arrived there at the end of March.

Senator JOHNSON of California. March, 1919?

Mr. MILLARD. March, 1919.

Senator JOHNSON of California. And you remained there how long?

Mr. MILLARD. I remained there until toward the end of May.

Senator JOHNSON of California. During the period that you were there was the Shantung question under discussion?

Mr. MILLARD. Yes; it was decided during the period that I was there.

Senator JOHNSON of California. It was decided during the period that you were there?

Mr. MILLARD. Yes.

Senator JOHNSON of California. I presume you followed the proceedings of the peace conference respecting the Shantung decision?

Mr. MILLARD. Yes, as well as I could.

Senator JOHNSON of California. Please go ahead in your own fashion and describe the problem as it affects Japan and China or the Far East, as to the interest of America in the situation there, and then leading up to the decision that was made in the Shantung-Kaiochow question, and the effect of that so far as the United States is concerned and so far as China is concerned. Go ahead in your own way, if you please.

Mr. MILLARD. Well, gentlemen, it might help a little in this connection if I would somewhat briefly give the background of this Shantung question.

I might say that the Shantung question is the crux of the far-eastern question. It was one of the contributory causes of the great war in Europe, and it was a contributory cause to the creation of one of the two fundamental foreign policies of the United States, the two that I have in mind being the Monroe doctrine and the Hay doctrine.

Senator HITCHCOCK. What other doctrine beside the Monroe doctrine?

Mr. MILLARD. The Hay doctrine. We are all the time learning about these matters, and there is a great deal about it in a book called The Eclipse of Russia, published by the great authority on Russia, the Englishman, Dr. E. J. Dillon. This book was not permitted for publication during the war, but it was published three or

four months ago. I obtained a copy in Paris and read it on my way back home. He was a sort of confidential adviser of Count Vitte for many years, and in that book he discloses how Germany came to acquire Shantung. That is, at a certain very historic conference held between the Kaiser and the Czar, the Kaiser obtained the consent of the Czar that Germany should acquire a foothold in Kaiochow Bay. Count Vitte says that it was without the knowledge of his own Russian foreign office that this was done.

Some of these facts have only recently been disclosed. Then, with that as a background, Germany seized a pretext—some violence done to a German missionary in Shantung—to demand of China the cession that was acquired there. These facts, revealed in Dr. Dillon's book, coming from Count Vitte himself, show, however, that even the point that they were going to seize had been determined before the so-called outrage which was made the excuse of it. That secret agreement had been made between the Czar of Russia and the Emperor of Germany, to the effect that Russia would interpose no objection to Germany seizing the port of Kaiochow.

Senator HITCHCOCK. Give the date of the agreement between the Czar and the Kaiser.

Mr. MILLARD. You will find that in this book, the whole thing.

Senator HITCHCOCK. What was the date of the agreement?

Mr. MILLARD. It was, I should say, about 1897, or some such time as that.

Senator SWANSON. Was any documentary evidence produced, or was it simply on the evidence of this writer? Was there any documentary evidence?

Mr. MILLARD. Of course, you know what Count Vitte's position was.

Senator SWANSON. I mean, were there any letters or memoranda?

Mr. MILLARD. He gives it in considerable detail in this book. I had intended to bring the book with me, but I found I had loaned it to Judge Campbell, and he had not returned it. You will find it in the Congressional Library.

Senator SWANSON. Was there any documentary evidence—were there any memoranda made at the time?

Mr. MILLARD. Yes; he gives certain memoranda, and he gives the details as related to him by Count Vitte in full in this book.

Senator HITCHCOCK. The date was 1897?

Mr. MILLARD. As I recall, 1896 or 1897; thereabouts.

Senator KNOX. Do you know as a matter of fact that as early as 1896 there had been a public statement in the Reichstag that that was going to be the policy of Germany?

Mr. MILLARD. If I did know it, I have forgotten it.

Senator KNOX. Prof. Hornbeck's authority for that is Contemporary Politics in the Far East?

Mr. MILLARD. Of course the matter had been discussed; there had been a good deal said about it by the German press, and they had been beating about the bush for several years; but the specific thing you refer to I did not have in mind.

Senator KNOX. Prof. Hornbeck refers to that.

Mr. MILLARD. Yes; he no doubt looked it up.

Senator BORAH. At any rate, Senator Swanson, Dr. Dillon said that. I do not think the Senator will have any doubt about it when he reads it.

Mr. MILLARD. Of course he is recognized as outside of Russia, the greatest authority on Russia, Dr. E. J. Dillon; and he was employed in the most confidential capacity by the Russian Government for years.

Well, then, Germany raised the pretext and secured the leasehold of Kiaochow, China, not being able at that time to get any support to resist the pressure that was brought upon her. So she signed the ease.

Senator HITCHCOCK. Do you know what effort was made by her to get support in any direction?

Mr. MILLARD. I have been told that she went to the legations at Peking, that she went to the British and American legations, and flustered around, to see if she could, but she found that she could not, and Germany was backed up by Russia, and China gave in.

Senator HITCHCOCK. Did she apply to the United States?

Mr. MILLARD. I do not know if she actually applied. Probably some one went up and sounded out the American legation and found out that we considered it not a matter that vitally concerned us. At that time we had not even enunciated the Hay doctrine. The Hay doctrine was the result of these things that occurred, as I am going to point out.

Now, that was the manner in which Germany obtained that leasehold.

I noticed in a communication some two weeks ago that Mr. Taft, in commenting on the Shantung matter, referred to the murder of the German minister at Peking, and said that the Shantung leasehold was the result of that. He just got the events in inverse order. It was the Shantung "grab," if I may term it that, that led to the murder of the German minister at Peking some two years later, and brought on the world and all of us the turbulence known as the Boxer Rebellion, that upheaval in China against the foreign interests in China. That was caused by a cumulation of circumstances, and was brought to a head by the Shantung matter, because Shantung has sacred associations for China. In the Chinese mind it is the birthplace and the burial place of Confucius; and various other matters give it a sentimental place in the thoughts and in the minds of the Chinese.

Moreover, it was recognized that when you pressed into Shantung you pressed right into the heart of China, politically, strategically, and every other way.

Senator HITCHCOCK. Before you go any further, can you put into the record the date of the enunciation of the Hay doctrine of the "open door"?

Senator BRANDEGEE. He has indicated that.

Senator SWANSON. That is in his recent book.

Mr. MILLARD. Yes.

Senator HITCHCOCK. Mr. Hay was Secretary of State at the time this so-called German "grab" occurred?

Senator JOHNSON of California. No.

The CHAIRMAN. No; he came in shortly afterwards. Mr. Olney was Secretary of State and Mr. Hay must have succeeded very soon after.

Senator HITCHCOCK. Will you put that date in the record?

Mr. MILLARD. Yes; I have all those documents here in this book.

The CHAIRMAN. Mr. Hay became Secretary of State in September, 1898, as I remember. He came home from London——

Senator KNOX. Yes; he succeeded Mr. Day.

The CHAIRMAN. Yes; in the summer or autumn of 1898.

Senator HITCHCOCK. Did not the Germans acquire Shantung in 1899?

Mr. MILLARD. No, sir; in 1898. I have the whole document here printed in this book. I will look it up.

Senator HITCHCOCK. The lease is dated 1899.

Mr. MILLARD. Here it is; "Convention between the German Empire and China, Kiachow," page 434; here it is. The date is the 6th of March, 1898.

Senator HITCHCOCK. What was that?

Mr. MILLARD. The Kiachow convention—the German lease. It is dated March 6, 1898.

Senator SWANSON. Mr. Day was Secretary at that time.

The CHAIRMAN. Yes; he was Secretary of State.

Senator KNOX. That demand was made upon China in 1897. That was when the ministers were killed.

Mr. MILLARD. Yes.

Senator HITCHCOCK. Then at the time that was signed, Mr. Day was Secretary of State and Mr. McKinley was President?

Mr. MILLARD. I would not know without looking it up.

Senator KNOX. Mr. McKinley had been President two days.

Senator SWANSON. No; a year and two days.

Senator KNOX. Yes; a year and two days.

Mr. MILLARD. The reason I have brought these details out was that I wanted to demonstrate its connection with other events that occurred later. Germany being able at that time to grab the strategical position there in Kiaochow had demonstrated to the minds of our diplomats in Europe the existence of some kind of secret compact or collusion with Russia. I have never seen these facts fully brought out until they were brought out in this book of Dr. Dillon's, but any trained diplomat would at once have seen, in the circumstances there, that there was some connection.

That set other forces in motion that unquestionably brought about the first Anglo-Japanese alliance. That made the Japanese-Russian War possible. There was set in motion the whole train of circumstances of which we are to-day beginning to see the consequences.

Now, this was so important—that is, this seizure by the Germans—strategically and in regard to the whole situation of China and the balance of power in the Far East, that Mr. Hay took cognizance of it, and as you will recall, the so-called Hay doctrine resulted from an exchange of notes which Mr. Hay took up with the German Government through von Bülow, the German minister of foreign affairs, and it was entirely about the Shantung question; the Shantung question, that is, was the nail upon which the Hay doctrine was hung. It was Germany's acquisition of Shantung which caused the Hay doctrine to be formulated. That is, Mr. Hay, when he came in and surveyed the situation, said, "If this thing goes on, China is broken up; the partition of China will soon be an accomplished thing;" and he took cognizance of that situation, and the way it would affect the United States and the way it would affect various other matters, in his judgment; and so he opened up a correspondence with the German

Government—with the minister of Foreign Affairs, Count von Bülow—which resulted in what is called the Hay doctrine. Of course the Hay-von Bülow notes are published. I have them here.

Senator SWANSON. Will you put those notes in the record?

Senator BRANDEGEE. You do not mean to put them in now, but put them in afterwards?

Mr. MILLARD. On page 448 of this book, "Mr. Hay, American Secretary of State, to Mr. White, American Ambassador of Germany." That is, it was communicated in that way.

The CHAIRMAN. That was Andrew D. White?

Mr. MILLARD. I suppose so. Yes, Andrew D. White, Mr. Hay's note is "Washington, September 6, 1899," and Count von Bülow's is February 19, 1900.

Senator BRANDEGEE. On what page of that book does that occur? Where is it printed?

Mr. MILLARD. In this book?

Senator BRANDEGEE. Yes.

Mr. MILLARD. It is in the appendices, pages 448 to 450. Of course it is in Rockhill's Treaties, and in all the textbooks.

Senator BORAH. Those things are in that book, and are much more accessible than they would be in this interminable record. Of course it is in that book Contemporary Politics in the Far East, also.

Senator BRANDEGEE. Will you let me ask you one thing, not connected with this particular thing. When did you first hear of this particular treaty between Great Britain and Japan providing that Great Britain will have Shantung? In 1917, was it not?

Mr. MILLARD. 1917? I first heard of it at Paris.

Senator BRANDEGEE. When?

Mr. MILLARD. About the 1st or 2d of Apri—last April.

Senator BRANDEGEE. 1918?

Mr. MILLARD. 1919.

Senator BRANDEGEE. That is all.

Mr. MILLARD. I will come to that a little later.

Senator SWANSON. Now, will you tell us, from your interpretation of the Hay doctrine, the open-door policy, from those two communications, how far it goes, and how it affects trade and commerce of this country?

Mr. MILLARD. The Hay doctrine was designed, as it appears on its face, to extract from the German Government a statement, which it did extract, that in acquiring the leasehold of Kiaochow and the subsequent railway agreement signed a year or so after the lease, Germany disclaimed by those acquisitions any preferential position in China, any impairment of Chinese sovereignty, any intention or purpose to use her position at Kiaochow to discriminate against the free commerce in China of other nations, or the rights of other nations under the clause of the so-called most-favored nations clause of the treaty—that is our position; we have a very favorable treaty with China. The notes, as I say, speak for themselves. Now, then when Mr. Hay got the German Government on record then he approached the opposite Governments, the British, the French, and the Japanese, and the other Governments.

Senator SWANSON. Before you proceed, was that a protest against the sovereignty that Germany acquired? Did the note contain any protest against sovereignty?

Mr. MILLARD. You can read the note.

Senator SWANSON. I just wanted that clear. It simply asks for equal trade relations and things of that sort.

Mr. MILLARD. It started out with the usual diplomatic language, that it should be cleared up and would be to the advantage of everybody if they would state their positions.

Senator SWANSON. I had an idea that the determination was that no rights acquired by Germany should interfere in any manner with the rights and the position of the United States.

Mr. MILLARD. No; with the integrity of all nations, and also that China's rights were to be unimpaired.

Senator SWANSON. I did not notice that particularly.

Senator KNOX. Territorial integrity is specifically mentioned.

Mr. MILLARD. Territorial integrity is mentioned.

Senator KNOX. Mr. Chairman, I would like to make a suggestion, that Senator Johnson has asked the witness to narrate in his own way this story and the witness is accustomed to giving a consecutive narration of events. I would like to hear that and then have questions asked afterwards. I think we could get a much better idea if we would let Mr. Millard go on and answer Senator Johnson's question in his own way, and then put such questions as we wish.

The CHAIRMAN. You mean that no Senator is to ask any question until he has concluded his statement?

Senator KNOX. Oh, I do not mean no question.

Senator SWANSON. If other Senators ask questions, I want the same right. I want to have his interpretation of what the Hay doctrine did.

Senator MCCUMBER. We have been deviating from that rule a great deal since we began the examination of witnesses.

Senator KNOX. But none have been so accustomed to express themselves consecutively as Mr. Millard.

Senator SWANSON. I am perfectly willing that he proceed without interruption.

Senator KNOX. I think it will contribute to the information of all of us.

The CHAIRMAN. I think it is a better way to let him make his statement.

Senator SWANSON. So long as all the Senators do not interrupt.

The CHAIRMAN. Of course that is understood.

Senator MCCUMBER. As his next statement is on a different subject, if I understood Mr. Millard correctly, Germany renounced any claim over Shantung.

Mr. MILLARD. I would say that it amounted to that, a disclaimer of any purpose to infringe upon the integrity of China or interfere with the general open door or various things of that kind.

Senator MCCUMBER. She claimed no sovereign rights over the territory.

Mr. MILLARD. She disclaimed. That was the purpose of the Hay note, and it accomplished that.

Senator BRANDEGEE. Japan disclaims any sovereignty over Shantung and agrees to give it back.

Mr. MILLARD. It is difficult to know.

Senator BORAH. Can not we have an understanding that the witness may make a statement, and then ask questions if we want to?

Senator SWANSON. It is perfectly agreeable to me.

Senator BRANDEGEE. Senator Johnson has the witness.

Senator JOHNSON of California. I asked a general question, and we have not advanced very far on it. I ask that no particular rule be pursued except that which the committee deem appropriate, but I would be glad if the witness could proceed with his statement under such rule as may be prescribed by the committee.

Mr. MILLARD. I merely brought that in because I think it is important to understand in relation to this Shantung situation to-day the different steps by which this Shantung situation has arisen.

Senator JOHNSON of California. Now, if you will proceed historically and come down to the Shantung decision, describe what it was, its effect upon China, upon Japan, and upon our country.

Mr. MILLARD. I think it is pertinent in this connection to point out that after the promulgation of what was termed the Hay doctrine, after Mr. Hay had gotten this communication from the German Government, and then had subsequently got the assent of the other Governments to the thing in principle, the whole thing constituted a general international understanding known as the Hay doctrine.

Various Governments, however, continued among themselves to make what we now have a new phrase for, "regional understandings" regarding China. There exists at the present time in the neighborhood of 20 known regional understandings affecting China, and others are suspected to exist. For instance, among the regional understandings, soon after Germany's acquisition of Shantung there was a regional understanding between the British and German Governments whereby Great Britain in effect recognized Germany's superior position or sphere in Shantung. That agreement held presumably up until the abrogation by declaration of war in 1914 of all agreements between the British and German Governments. And then various other trades were made in the Far East, regional understandings or collateral trades on the side among the various nations to reduce the balance, due to Germany's acquisition of that position there.

One of the very pertinent things in that connection was the Anglo-Japanese alliance. There is very good authority for the statement that the Anglo-Japanese alliance was first proposed by Germany in the form of a tri-partite alliance—Germany, Japan, and Great Britain. Germany approached the Japanese Government first, and the Japanese Government evidently took the thing under favorable consideration, and approached the British Government. The British Government at that time seemed to have been animated by a different hypothesis, and they did not want any alignment in the Far East between Germany and Japan; so finally they succeeded in sidetracking that, and the alliance was made between Japan and Great Britain solely, and excluding Germany. I mention that for the bearing that Germany was gradually being pushed into a position off by herself, and in my mind those were among the contributing causes that finally led to this clash in 1914. One thing led to another. You built up and kept building up combinations, a wall, and Germany was trying to break out in different directions.

I have brought in that question of regional understandings and their existence because you will see the pertinency of that later.

We come along now up to the time of the beginning of the great war. There were different demonstrations in the interim there of the application of these various regional understandings, operating, you may say, inside of the Hay doctrine, and antagonistic to it. Mr. Knox's efforts to neutralize the railways of Manchuria constituted one strong demonstration of the fact that there were combinations inside of combinations there, regional understandings of powers among themselves, which, when it came to a showdown, superseded their acquiescence to the Hay doctrine.

When the Great War broke out suddenly, Japan almost immediately took the occasion to send an ultimatum to Germany, practically demanding that she get out of Shantung, to which Germany never replied, and that resulted in a declaration of war and the Japanese expedition which captured the port of Tsingtau. China made efforts to preserve her neutrality. She made efforts in which the American legation at Peking took some part, but the time was very short. The proposal that Tsingtau be neutralized, that it be turned over to China, and various ways to keep China from being involved in the thing were proposed. Japan did not want any of those things. She moved quickly, and proceeded to go over there and land her troops. In her occupation of the Province she immediately, from the beginning, went further than Germany had ever done. She did not confine her military operations to the leased German territory at all. She overran the whole Province almost immediately; seized the whole railway up to the capital of the Province over its entire length, established her troops and police clear outside the railway, and various other parts; and in that way she made a rapid military penetration of this entire Province, which condition exists to the present day.

China's various efforts to prevent that were unavailing; and the next move in that game—the other powers were preoccupied with the desperate struggle in Europe, and unable to interpose any effective action in the Far East—so Japan came along in 1915 with her 21 demands, which she sought first to impose upon China by secrecy. When that was impossible, the Chinese realized the character of the demands, and they happened to have quite a strong man as President of China at that time, Yuen Che Kai, a strong, able man. He communicated it to other governments. The thing was brought out into the light, and raised such an outcry that although Japan persisted in pressing the demands, and China was finally compelled to yield, they were in somewhat modified form over the form in which they had been originally presented. That was in 1915. However, the United States Government took an official exception to that 1915 treaty, which is all in the record.

Senator POMERENE. You say the United States Government took an exception?

Mr. MILLARD. Took an exception; yes, sir. The United States Government took an official exception, which is published, and which is included in that book; and the Chinese Government took exception also by stating that it signed under compulsion.

From the standpoint of the United States, the next important official maneuver, if you may call it that, was the Lansing-Ishii agreement. Oh, no; let me go back a little.

After our Government severed diplomatic relations with Germany, which I believe was early in February, 1917, we approached the Chinese Government officially. I was in Peking at the time. The United States Government officially, through the American minister at Peking, approached the Chinese Government with an invitation and advice that we join with her in severing diplomatic relations with Germany. That was very strongly urged upon the Chinese Government, and for several days there was a very strong diplomatic fight raised in Peking, the German and Austrian legations, of course, opposing it, and the Japanese legation opposing it very strongly, but in a secret way. The British, French, and Russian legations were sympathetic to the proposal, and such influence as they had was exerted in favor of China accepting the American invitation. China did. Well, at that time China was favorably inclined to this proposal. I might say that on two previous occasions China had offered to join the Allies. Both times she had been prevented by the objections of Japan. Japan would not let her come in. Her influence with the other allied powers was so strong that China was not allowed to join the Allies.

The result was that when we came along and urged China to join with us—we had not at that time declared war on Germany, but we urged her to take the preliminary step and join us in severing diplomatic relations with Germany, which every one felt would be a prelude to war—China was dubious, having been repulsed twice in efforts to join the allies by the Japanese objections; and having knowledge that at that moment the Japanese legation and all the Japanese influences at Peking were fighting bitterly the proposal that China act upon the advice of the United States, the Chinese Government wanted certain assurances. That is, they wanted to know where they would get off. They said: "Suppose we do follow your advice and come in: Now, we want certain assurances. We would like to have definite assurances of the Allies that our territorial integrity will be protected in the peace settlement." An effort was made by the Chinese Government at that time to get such assurances from the French and British Governments. The French and British legations at Peking, while they urged China to follow the advice of the United States, communicated with their Governments, and they could not give any definite assurances; but they told the Chinese Government—that is, the British minister and the French minister to Peking told the Chinese Government—"You come on in; you follow along with the United States, and come on in, and we are quite sure you will be taken care of."

The thing hung fire for two or three days just on that point, China quite willing to come in, but saying: "No; tell us just exactly, will you, if we come in, will you guarantee our territorial integrity?" They finally, when they got that kind of a negative reply from the British and French Governments, went after Dr. Reinsch, and said, "Well, at least the American Government can say that you will support us in protecting our territorial integrity." Now, I have this account from Dr. Reinsch, the American minister at Peking—Dr. Paul Reinsch.

It happened that just at that moment there was a break in the Pacific cable, and for several days Dr. Reinsch was out of cable com-

munication with the State Department. It was very urgent, and the thing had to be concluded quickly, or everyone there thought that it should be concluded quickly, because they felt that if they did not get the Chinese to act promptly the various Japanese intrigues would get to work, and they would succeed possibly in preventing China from taking any action. They were holding almost hourly sessions there for two or three days. Two or three times a day Dr. Reinsch was in consultation with the Chinese Premier, Tuen Chi Jui, and Li-Un-Hung, the President at that time—Gen. Li-Un-Hung. They wanted definite assurances. Dr. Reinsch said: "The cable is interrupted, and I can not communicate with my government at this moment, but I feel justified in telling you verbally my opinion that in the event that you follow the advice of the United States now and sever displomatic relations with Germany, and in the event that that leads us into war with Germany, you can count upon the diplomatic support of the United States in seeing that China's rights are protected in the peace settlement." The result of these negotiations was that China did take that action, and, as the document shows, upon the advice of the United States, severed diplomatic relations with Germany. That eventually brought China into the war as an enemy of Germany.

The next important event in this connection was the signing of the so-called Lansing-Ishii agreement, which occurred here in Washington, signed on the 2d of November, 1917. Meanwhile, both the United States and China had declared war on Germany.

The Lansing-Ishii agreement followed the general lines of previous statements of the United States regarding China—the so-called Hay doctrine formula, which had been repeated now in eight or nine international agreements of one kind or another, which had been repeated in the Root-Takahira agreement signed in 1907; that is, guaranteeing the territorial integrity of China, and the "open door"; but it was significant in that it contained in its preliminary paragraphs a recognition of Japan's special position relating to China. That agreement was made, the negotiations were conducted, without China being informed, without consulting China in any way. China first learned of it when it was published. I might say in that connection that it was given premature publication at Peking by Japan. As the document itself shows, it was signed on the 2d of November, 1917. By a sort of general agreement, the two Governments were to give it simultaneous publication on November 7 at a stated hour—to give it simultaneous publication in Tokio and in Washington. However, as we know now, I think it was two days, even, before the thing was signed—it was either October 31 or October 30—that the contents of the agreement were communicated to the Russian Government by Japan through the Russian ambassador at Tokio.

As I say, it was to have been given simultaneous publication on the 7th of November. On the 4th of November—and meanwhile our Government had not even informed our embassy at Tokyo or our legation at Peking of this matter at all—on the 4th of November the Japanese minister at Peking officially informed the Wei Chow Pou—that is, the Chinese Foreign Office—of the signing of the Lansing-Ishii agreement, and provided them with a text in Japanese and Chinese. In those texts in Japanese and Chinese, the phrase "special position"

was translated in a way to amount to a recognition of Japan's paramountcy in China. The Chinese Government was naturally dumfounded at this thing, and immediately went to the American legation.

Now, if you know anything of the diplomatic atmosphere of Peking under those circumstances, the way that would look to the Chinese was this: Japan comes and tells them of this thing under the circumstances, which gives it the circumstantial appearance that "Now, we are paramount here, and we inform you about this, and if you do not believe us go up and ask the American legation." They went over to the American legation and inquired, and the American legation had never heard of it, of course. It immediately cabled for information. Meanwhile, through Japanese sources at Peking, and Chinese sources, too—they were bound to blab a thing like that; it completely flustered them—the Chinese Government and the Chinese Foreign Office and the newspaper men there in Peking got hold of it, and the result was a little telegram carried by the Associated Press and Reuter's New Service all over the world, to the effect that this had been signed, and the news was given out at Peking.

I was in New York when I read that short telegram in the papers, and then our Government, of course, cabled the text immediately to the minister at Peking, to the legation at Peking, and we then communicated it to the Chinese Government; but our translation of the term "special position" differed very materially, when translated into Chinese, from the way that Japan had translated it in the original text communicated by Japan. That led to some little diplomatic controversy there at Peking, but we stuck to our text, and Japan sticks to hers, and so that matter stands to this day, so far as I know; the Chinese having two texts of this thing in their Foreign Office, one the first one communicated by Japan in Japanese and Chinese, in which the term "special position" is translated into the equivalant of paramountcy, and our text, which translates into the interpretation which Mr. Lansing exhibited to you in his examination the other day, which, so far as I know, has been the first official delineation of the American position on the subject. Meanwhile it has stood in China's eyes in that obscure position, with all of the circumstantial indications favoring the Japanese interpretation.

Moreover, Japan went ahead and acted on her interpretation. From that time she assumed a position of paramountcy in relation to China. She went ahead and began the establishment of civil government over Shantung Province. She extended her civil government régime in Manchuria. She began actually to acquire the possessions and the position of a sovereign in those parts of China where she had obtained a foothold by the methods I have indicated. She went on, and she obtained, through that influence, a great influence at Peking. The Chinese Government, you might say, threw up their hands and said: "Well, America will not support us; they have recognized Japan's paramountcy; we have got to do the best we can."

Japan bribed several high Chinese officials up there, and began to press for other secret agreements and things. However, the Chinese Government resisted. They did obtain a so-called supplementary agreement to the 1915 agreement, signed, I believe, in September, 1918; but they could not get that signed at Peking. They seemed to have reached the Chinese minister over in Tokio by the money

process—I am only repeating the open accusations made in the press of China—and got him to sign a memorandum, the so-called secret 1918 agreement, which is further confirmatory of Japan's position in Shantung, and which amounted to the fact that they would have certain additional railway concessions there over and above what Germany had had, and that, providing the peace conference would give Japan Germany's position in Shantung, China would consent. That thing was signed at Tokio by the Chinese minister, and if that holds China, that is all there is. It was never confirmed by the Chinese parliament; it was never confirmed by a meeting of the Chinese cabinet or anything. Now, that is what that so-called 1918 agreement rests upon.

Senator POMERENE. Will it interrupt you to ask you just this question, to clear that up: Does the Chinese law require ratification by the Chinese Parliament?

Mr. MILLARD. Yes; the only constitution that is in existence.

Senator POMERENE. Excuse me for interrupting you.

Mr. MILLARD. You see, China has been in a more or less turbulent state ever since the revolution. They have a so-called constitution and under their forms it would have required at least ratification by the cabinet and also ratification by the Parliament. It was never ratified. In fact, the text of it was never even disclosed to anybody until the Paris peace conference.

That brings us along up to, say, the armistice. I was in Peking at the time, and China made preparations——

Senator HITCHCOCK. Before you leave that, will you please make it clear whether there was any disagreement between the Ishii note in Japanese and the American note in English?

Mr. MILLARD. As I say, it was a question of translation. Of course, we can all read the American note in English, but we can not read it in Japanese or Chinese. Now, the Japanese Government, of course, immediately telegraphed this out to Tokio and then telegraphed it over to Pekin, and they had translations made. They had a translation made into Chinese and another translation made into Japanese, those, of course, being the languages of the two Governments.

Senator HITCHCOCK. Is there any question whether the Japanese note is correctly translated into Chinese?

Mr. MILLARD. That, of course, as I say, led to a dispute, because our sinologues say that our translation is the better translation.

Senator HITCHCOCK. Is the translation of the Japanese note into Chinese?

Mr. MILLARD. Our translation of the Lansing-Ishii agreement into Chinese is accepted by everybody except Japan. She made her own translation.

Senator BORAH. As I understand, in translating it into Chinese and Japanese they used a certain word——

Mr. MILLARD. They used a certain character.

Senator BORAH. They used a character or word.

Mr. MILLARD. They used a different character than we used in our translation.

Senator BORAH. Which indicated "special interest" or "paramount," according to which character was used.

Mr. MILLARD. Something which they translate paramount.

Senator BORAH. Ours indicates nothing but "special interest."

Mr. MILLARD. Ours indicates the interpretation which Mr. Lansing gave you gentlemen the other day. There is just that difference, but as you say, it is a very important difference.

Senator POMERENE. In view of these questions may I ask this further question: Are you able to state whether the word which was used by the Japanese was correctly translated into our word "paramountcy?"

Mr. MILLARD. There would be no way of making an exact translation, but the sense of it would be that according to the sinologues. Our legation has Chinese experts, as every legation has, and these sinologues got together and translated this thing, and the general unanimity of opinion outside of the Japanese legation is that our translation is correct and theirs is a translation fixed up to suit what they want to put in there.

Senator POMERENE. That is all.

The CHAIRMAN. You may continue, Mr. Millard.

Mr. MILLARD. Now the next step would come after the armistice, when China began to make her preparations. The Japanese had been making a fight up there for some time by which they were attempting to secure representation in China. They even produced at Peking—they never had the nerve to produce it at Paris—an agreement which this same Chinese minister, Mr. Lou, had signed, whereby Japan was to represent China at the peace conference.

However, when they tried to put that over, China absolutely resisted that, and of course the British, American, and all other legations said, "Do not recognize anything like that. You send your own delegation." They did that. They nominated their representatives. They sent their minister of foreign affairs, Mr. Lou Tseng-tsiang. Then the Chinese delegates had been working with various experts on the subject of their case, how they would present it at the peace conference, and the matters they would want to bring up at the peace conference. I understand you have summoned Mr. Ferguson to appear. He was among the foreign advisers they had employed. When I was in Peking, last October, I went up there, and I had two interviews with the Chinese minister of foreign affairs, merely in my capacity as a journalist, in which we discussed these various matters, and what China ought to do, and what China purposed to bring up, and things like that. Just about that time the Chinese foreign office went up to our legation and said, "Now, we have followed along with you people. We came into the war under your wing, and we are going to continue in that way. We are going to Paris in that way. We are not going there under the wing of Japan, like she is trying to fix it up, and here is what we propose to ask. What do you think about it?" And they laid down a list of the matters which China wanted to bring up at the peace conference. I will say that I have this information in a way so that I do not doubt its substantial accuracy, and I presume that that list perhaps was cabled by Dr. Rice, the American minister, to the State Department, and eventually the Chinese were advised by our Government that it would be better if they would not raise certain questions.

I might mention what those questions are. One of them was the question of extraterritoriality in China. Another was the question

of future financial cooperation in China, and these various concessions and one thing and another. China wanted to obtain from the Powers over there a general declaration written somehow into the treaty, which would form the groundwork for a real reconstructive policy in China, which would rid her of the burden of all these secret and published regional understandings, and all these various concessions interfering with Chinese territorial integrity and economy, which in one way and another have been forced on her by that method.

As I understand it our Government advised China somewhat to this effect, that it would tend to befog the issue. Our Government, I understand, was in perfect sympathy with what China wanted to do by these things, but she said, "Now, the Paris conference will be concerned with the making of peace with Germany, and perhaps it will be advisable if China will not raise any questions at Paris except those which are directly concerned with her relations with Germany." Of course the Shantung question was directly concerned, and a few matters associated with the Shantung question, but our Government said, "Do not raise all these other questions, because they will open up the whole subject so that perhaps it will impair your chances of getting the Shantung question raised in the right way." And I will say that, in my opinion, that advice was exactly sound, and that if my advice had been asked at that moment I would have advised China in the same way. In fact I did so at Paris.

I do not think it is fortunate the way the thing turned out, but I mean looking at it from the way the situation appeared then, I would have given the same advice that our Government is presumed to have given on that occasion. China took with her to Paris her chief British adviser, Dr. George E. Morrison, for twenty-odd years the famous foreign correspondent of the London Times, and for the last seven years employed as foreign adviser on foreign affairs to the Chinese Government. They took Dr. Leconte, a Frenchman, who for a long time has been employed over there as counsel. The Japanese tried to force them to take Dr. Riga, the Japanese legal adviser, whom in one way and another they had forced upon the Chinese Government, but they would not take him, because they knew that if Dr. Riga had gone along the Chinese delegation would have been privy to everything the Chinese delegation did. They refused to take Dr. Riga, but they took Dr. Morrison and Dr. Leconte, and they desired to take one or two Americans, but I have explained about that.

That brings us on to Paris. China went over there and confined the presentation of her case to the Shantung issue, which, of course, was entirely a question with Germany, complicated by Japan's interposition. At a plenary session—I was under the impression that it was early in February, but I see Mr. Lansing the other day fixed it, I believe, at January 29, which probably is the correct date—at a plenary session of the council of ten in Paris, before it narrowed down to a council of four—my knowledge of this, as you gentlemen understand, is second hand. I was not present.

The account which I am going to give now was, however, given to me circumstantially by two plenipotentiaries who sat at the table, and their accounts substantially coincided. They did not differ in any material degree in their recollection of what transpired. The

matter under discussion at the moment was the disposition of the German colonies. As you may recall, at that time they had advanced the theory that the German colonies were to be detached from Germany, but that their disposition would be turned over to a league of nations if such a thing was organized, to be disposed of by them, and they brought forward this idea of mandatories. They were discussing the disposition of the German colonies, and President Wilson, as I understand it, proposed that they could just brush this question of the German colonies off to one side by agreeing at that session that they should be detached from Germany. and their disposition invested in the league of nations or some other international trusteeship, to be parceled out afterwards under the mandatory theory in some form, and by that method they would simply get that question disposed of and out of the way, and they could go on to other business. There was a general agreement and it looked like it would be passed unanimously, but the Japanese plenipotentiary, Baron Makino, who was sitting in the council, interposed an objection. They asked him what was the objection. He said Japan could not consent to that. When asked for his reasons, he said that Japan could not consent because she already had private engagements with her allies regarding the Shantung question.

President Wilson then asked, or some one asked, what was the nature of those private agreements. Baron Makino said they were confidential, and he did not feel at liberty to communicate them without conferring with the other Allied governments and with his own government. President Wilson then asked that it be made the sense of the council that the Japanese Government be requested to produce the text of those agreements and to lay them upon the table for the information of the council. That action was taken as the sense of the conucil, and the result was that at the next meeting the text of those agreements was produced. They are known as the Shantung secret agreements, and were produced confidentially. I can say from my own knowledge, coming direct from the Chinese delegation at Paris, that that was the first knowledge which the Chinese Government had of their existence, although myself and many of us had suspected the possible existence of those agreements, from various circumstantial indications, for at least a couple of years. In fact I had for some time felt morally certain of them. You could not explain in any other way certain things that had happened. Therefore those agreements revealed that at different dates, from I believe the 16th of February on to the 7th of March and on certain intervening dates, Japan had obtained——

Senator HITCHCOCK. In what year?

Mr. MILLARD. In 1917—that Japan had obtained from the British, the French, the Russian, and the Italian Governments written engagements—in the case of the British, French, and Russian Governments, and oral statements from the Italian Government—by which those nations assented and would support Japan at the Peace Conference in having yielded to her Germany's rights and leaseholds in Shantung Province.

There was one other interesting thing brought out in the French note replying to the Japanese note on that question. France made certain conditions, one of which was that Japan would withdraw her

objections to China entering that war on the allied side. You will find that in the text of the French note, thereby getting it down in black and white, what everybody had known for various reasons to be the fact, that Japan had been keeping China out of the allied group ever since the war started. If you will note the dates of the signing of those agreements you will see that they coincide with our severance of diplomatic relations with Germany and with the efforts which I have just narrated by which we were inducing China to come into the war, which was in February and March, 1917. I guess it was early in March. China, I think, actually took that step on the 9th of March, 1917. However, as we all had been morally certain, but as Mr. Lansing disclosed positively the other day, our Government did not know of the existence of those agreements until we learned of it at Paris, in the manner which I have described, at the same time that China did.

China was urging them to give her assurances in the same way she was urging us to give assurances, but the British, Russian, and French Governments would not give any assurances that the territorial rights of China would be protected, because they had already signed them away to Japan, or were on the verge of doing so; but if China had known it at that time and we had known it at that time, it was reasonable to assume it would have had some influence upon the action of China and upon the action of the United States. If we had been appraised of it at that time we would have said to the nations flatly, "You musy agree to this." We were in a position at that moment to have demanded any conditions from any of those governments, anything in reason that we had said we wanted, and we could have protected China positively by saying, "Here, these things must be unwritten, these things must be wiped out. It will be understood that we will all be there to act on a footing of justice to China when the time comes."

Mr. Lansing also disclosed the other day that at the time of the Lansing-Ishii agreement we also were not informed of it, and after we had declared war on Germany and were in the war, and Mr. Balfour and M. Viviani came over here, they did not tell us, but we were allowed to go ahead and get China into the war under those circumstances, without that information.

After that disclosure at Paris—the date of which Mr. Lansing fixes at January 29—I thought it was early in February—then it was evident in respect to China's case at the peace conference that she had to submit her case to a court of five, because Japan was added to the council of four on the Far Eastern question, and that of those five, four members of the court had signed a secret agreement in advance to decide against her. Under those circumstances it became a question as to whether or not our Government would or could exert its influence upon the British, French, Japanese, and Italian Governments. Russia was also a signatory to one of those secret Shantung agreements, but she was not represented in the conference. The revolution had eliminated Russia. Under those circumstances, as I say, it became a question as to whether or not our Government could prevail upon them to scrap those secret Shantung agreements and to make what we considered to be a proper solution of the Shantung matter, in justice to ourselves and to

China there. That was the situation I found when I got to Paris. I went over to see Dr. Kou immediately, and one of the first things he said to me was, "Do you know of the secret Shantung agreements?" I said, "I know nothing about them except that I saw a short telegram in one of the New York papers from Paris indicating that something of the facts had been disclosed." I said, "Is it a fact?" He said, "Yes, we have the texts, but of course the texts are confidential at present." He gave me a synopsis of their contents, and I as rapidly as I could posted myself up on the situation of what had transpired before I had arrived at Paris, and from that time on I could follow the developments with more or less intelligence. I was constantly in touch with the experts attached to our commission, the experts on the far eastern question. I had been personally acquainted with all of them for many years. I saw them all almost daily.

Senator JOHNSON of California. State their names, will you?

Mr. MILLARD. The official ones were Dr. E. T. Williams and Prof. Hornbeck, who ranked over there as a captain; and at different times certain naval and military officers were brought into the thing on those angles.

I will say in that connection that on several occasions, when I would prepare little memoranda for the advice and information of the Chinese on certain developments from Japan, I would always take a copy over and give it to our own experts on the commission for their information. The whole thing, as far as China was concerned at Paris, was conducted with the greatest intimacy with the American delegation. Every move that China made was immediately communicated to the American commission.

Every move that any foreign advisor of China made, she immediately communicated to the American experts. Of course none of us could tell whether they went on higher up or whether they did not. We turned them in for the information of Prof. Williams and Prof. Hornbeck. I had various conversations with Dr. Morrison, whom I had known for twenty years, and who probably of all foreigners knows more about the politics and conditions of the Far East than any man, because he is a methodical man and has kept his notes for years, and he indexes them and files them. He is simply a walking encyclopedia of the politics of China of the last 30 years.

Senator JOHNSON of California. Where is he now?

Mr. MILLARD. He is in England now, I believe. At that time he was sick, and his wife had to come over and take him to England. He became ill so he took very little part in matters after I arrived there on account of his illness. But I went up and had several talks with Dr. Morrison about the situation, because he particularly was in touch with the British end of it, being a British subject, and I found that he was very doubtful as to what England was, and he felt very gloomy about the situation. He told me that he was afraid that the sense of the French and British Governments was to make the Shantung agreement stick. I found that our own experts were very much mystified by the official attitude regarding China of the British and French Governments, particularly of the British. They would go over and talk to the men who held corresponding positions to them, and the Far East experts of the British Commission, and they could not fathom—they would know how these men stood—but

back of that there was the superior policy of the Government. One thing accumulated after another, and they felt that the British and French were against them, which turned out afterwards to be the case.

The situation drifted along in that position and became side-tracked. China meanwhile discovered the psychology of the situation and acting upon the advice of a number of those whose opinions were asked, she interposed a proposal to compromise the matter which opened a way out.

Senator POMERENE. China did?

Mr. MILLARD. China did. It had developed by that time pretty concisely the attitude of the different nations. The attitude of Great Britain and France was that they would have to stand by these secret agreements unless the United States somehow or other persuaded Japan to recede. Japan was saying "We insist upon Germany ceding her possession there to us, because we have promised to restore it to China, and we want to do that in our own way, and any other solution would indicate to the people that they do not take our word for it, and would dishonor us, and so forth, and so on." China proposed a compromise by way of getting around the difficulty. That proposal was made on April 23, in writing to the council of four, and it was in four points. I quote now the sense of it from memory.

The first part was that China would consent to have the treaty of peace cede the German rights in Shantung direct to Japan, provided the other members of the council of four would be, you might say, cotrustees for the eventual turning over of it to China, or a league of nations or whatever body should be organized to carry out these processes.

Japan had made a great deal over there of the enormous expense she had been to in capturing Shantung and driving Germany out of the Far East. China's second proposal to compromise was that she would reimburse Japan for those expenses.

Japan had gotten in the 1918 agreement—I have described how she obtained it—a special concession that she was to reserve to herself Tsing Tau, which included railway tunnels, docks, water front, and the whole port machinery. China proposed that during such period when other foreign residential conditions exist in China, Tsing Tau be made an international port.

And the fourth one was merely that Japan would also in the treaty record a definite promise to restore and evacuate Shantung and restore Tsing Tau within a certain specific time. As I say, that proposal was communicated in writing on April 23 by the Chinese delegation to the council of four. Before the decision was made it was known that it was coming up for decision very shortly. Meanwhile all along China had been pressing for a consideration of this thing. She had presented her case in print and in various ways had been pressing to get the thing out of the way. Japan had been retarding it. That compromise was taken under advisement as I understand it by the council of four but Japan objected and succeeded in defeating it.

I do not know what her objection was based on, but it is interesting now to recall that she did reject that proposal, in view of the statements that they are making now that she is proposing to interna-

tionalize Tsing Tau, which means that she is proposing to hold the kernel of the nut and turn over the shell, and various other claims which she is making now.

It is interesting to put into the record the fact that she was instrumental in rejecting the proposed compromise of the Chinese Government, which would seem to an impartial mind to have met the situation fully, provided Japan has any real intention of getting out of Shantung.

After this decision was announced the Chinese were naturally very much disappointed. The President's reasons were given to them, that he was forced to make this decision because of the uncompromising attitude taken by Japan, which amounted virtually to a threat to bolt the conference and to refuse to join the league of nations. The President was afraid of the general effect upon the world of that thing happening. Of course, I may say here that the President seems to have been about the only one of the powers that seemed to think that Japan's threat was more than a pure bluff. But at any rate he did not think so. He apprehended that that might take place, and he acted accordingly, and he told the Chinese—or rather he did not tell them personally, but sent them word—that he felt that from the oral promise that had been obtained before the Council of Four from Japan, taken in conjunction with the relief which China might obtain from the league of nations, China could eventually get justice by that method.

To that the Chinese delegation responded in substance as follows: In the first place the league of nations had no existence, and in the second place, that if it was organized, its power and authority were problematical. In the third place, that it was not logical to assume that a league of nations, adopted by the same vote and in conjunction with the treaty of peace, would design to reverse the provisions of that treaty. In the fourth place, that the real ruling power, the supreme council, of the league, would be constituted by the same nations as made the Shantung decision in the council of four.

Senator BORAH. You say this was the Chinese reply?

Mr. MILLARD. Yes. And in the fifth place, that as near as China could make out, it was only the weak nations that were asked to depend for justice upon the league, for the strong powers were taking every other outside precaution to protect their interests.

However the decision had been made, and China's pleas from that on were in the nature of doing what she could to amend or better herself in that position. She made various requests for interviews with the President and others. I remained in Paris several weeks longer and China had not seen the President up to that time, but China's representatives were subsequently received by him, and they were received by Mr. Balfour and the French representative, and they gave the information that they found they had been bound by the secret agreements and that Japan had made oral promises which they felt Japan intended to carry out.

And then this happened after I left Paris; but I have the information from a man who was attached to the Chinese delegation or who left Paris after I did. I advised in a memorandum which I wrote, a copy of which I have here somewhere on the situation—I advised the Chinese to take a certain course. One of the things that I suggested—and I showed this to Prof. Williams and Prof. Horbeck, also, and they

concurred—I said, "Get the best legal counsel you can; get the best American international lawyer, and the best French international lawyer, and the best British international lawyer you can find, and get their advice on this point: If you under these circumstances sign this treaty without reservation, to what extent will they qualify any appeal which you may make for revision of this law to an international court, or a court of international arbitration, or to a league of nations. Get their advice on that point, and also even if you make no reservations." I do not know whether they took that counsel or not. Then I said: "When the things come up, ask to be permitted to make reservations, stating your position, so that you may file your exception for an appeal later, on which to base your appeal. If these legal counselors advise you and you draft these exceptions, and the exceptions are put into the record, and you are not inhibited from taking your appeal later, then sign. If you can not sign under those circumstances, then do not sign."

I do not know to what extent my advice had to do with the course that the Chinese delegation pursued. Later they requested formally that they be allowed to make certain reservations to the treaty. I was still in Paris on the day that the treaty came up for adoption by the conference, when it was read and adopted, and China had signified her intention of taking an exception. She was advised not to do it. Great pressure was being brought on them to yield, and when later it came to the signing of the treaty and they asked to put in these reservations, that was refused. I am informed also that at the very last moment after that was refused they then tried to obtain some kind of a statement from the council of four to the effect that the league of nations later would take up the Chinese case. They failed also to obtain any assurance in that particular. Under these circumstances, as you know, the Chinese refused to sign the treaty.

Of course the refusal to sign the treaty, as the Chinese knew very well, placed them in an unfortunate and isolated position. My opinion is that if some malicious marplot has set out to devise a way to place China in the most unfortunate circumstances in connection with this whole thing they could not have devised anything that would accomplish it more completely than this course of events.

China is now in the position of having lost out entirely on the Shantung thing. By reason of the advice of the United States she did not even present these various other matters for the consideration of the conference, thereby providing a way for some mutual international action, by reason of her refusal to sign the peace under those circumstances, because, as one of the Chinese put it, they can hang a man, but they can not make him sign his own death warrant, they are left so completely isolated. They are outside of the allied group. They are nowhere. That is their situation.

I might now just conclude what I have to say—that is, before you interrogate me—by saying that immediately after we learned of this decision of April 30 I was talking with Prof. E. T. Williams, our chief oriental expert, whose experience in China extends back over 35 years, most of the time as an official of the Government. He has been acting minister on several occasions, and before he resigned for some two or three years he was head of the far eastern division of the State Department. Those of you who are acquainted with Prof. Williams will know that he is a reticent, quiet man and one from whom it is

difficult to get any positive expression of opinion on any subject, especially about diplomatic matters. When he heard of this he simply said, "That means war," and every American expert who was in Paris at the time felt exactly the same way. As we balance things, we feel that such things mean war, and we felt that this was left in a position where it is going straight on into a deadlock, and impasse, which will not be broken in any way except by a fight. That is what we all fear. I heard—I do not know whether it is true or not—that the so-called Gen. Bliss letter contained a statement somewhat to that effect. It is still held in camera. Probably the Government is not yet ready to publish that letter at this time, but, as we all know and as has been disclosed to you, our experts and Mr. Wilson's own colleagues all dissented from the Shantung decision. That about concludes what I have had in mind to say.

Senator JOHNSON of California. A question or two that I should like to ask if you will permit me, Senator. I want to go back to the incident of the 21 demands. Do you recall when the 21 demands were first made by Japan, that Japan maintained secrecy concerning the rest of the world knowing of those demands?

Mr. MILLARD. I recall it very distinctly.

Senator JOHNSON of California. And then do you remember that when finally the world learned something of those 21 demands that Japan published an erroneous statement or misstatement of them to the world?

Mr. MILLARD. I remember that perfectly.

Senator JOHNSON of California. Do you recall that after these demands were made upon China, and the world became cognizant that something of that sort had been done, Japan specifically denied that she had made any such demands?

Mr. MILLARD. I remember, yes, sir, that she did deny it until she knew that the text of the whole 21 demands was in the possession of every government, and then she could not deny, although she denied it after that.

You gentlemen might be interested in this. If you did not know the late Bishop Bashford of China you know who he was. I have this from Bishop Bashford himself. The Americans in China, especially the missionaries, well everybody out there was so wrought up over these 21 demands that Bishop Bashford made a trip back to the United States. He had been on a trip in the Yangtse Valley, and he came down to Shanghai. The newspapers there published the 21 demands.

Senator POMERENE. That is the call of the Senate. What is the purpose of the committee, to continue this hearing now?

The CHAIRMAN. I should like to conclude Mr. Millard's testimony to-day.

Senator POMERENE. I am obliged to go to the Senate. I am sorry that I can not be here.

The CHAIRMAN. We can take a recess until the afternoon if you prefer.

Senator SWANSON. Do you expect to be in Washington several days?

Mr. MILLARD. I expect to be here a couple of days anyway.

Senator SWANSON. Can we not wait until Wednesday?

The CHAIRMAN. We have Dr. Ferguson on Wednesday.

Mr. MILLARD. I was going to relate a conversation which Bishop Bashford had with Mr. Bryan on the matter. Mr. Bryan was then Secretary of State. This will show to what lengths Japan carried her deception in the matter.

Senator JOHNSON of California. I suggest, Mr. Chairman, that the witness may finish that particular matter, and inasmuch as Dr. Ferguson will be here on Wednesday and the witness will be here, we can conclude with him Wednesday and conclude with Dr. Ferguson Wednesday.

Senator SWANSON. Why not this afternoon?

Senator JOHNSON of California. I have no objection so far as I am concerned except that we want to be in the Senate, that is all.

Senator SWANSON. I notice that there are very few in the Senate from day to day. We adjourn on account of the Senate and then we see a large collection of empty chairs there.

Senator JOHNSON of California. Well, go ahead as far as I am concerned. I do not care.

The CHAIRMAN. I should like to go on and finish with Mr. Millard to-day.

Senator MCCUMBER. Let us go on until 1 o'clock now.

Senator JOHNSON of California. Go ahead and finish.

Mr. MILLARD. Bishop Bashford wrote a very strong letter to the President, of which he gave me a copy, and I incorporated parts of it in the book on the Far Eastern question without stating that it came from him. The Bishop came on to Washington.

The CHAIRMAN. Is he of the Methodist Church?

Mr. MILLARD. Yes. He died a few years ago. He was in frail health. Every one in China looked up to Bishop Bashford. Among the churchmen in these foreign parts there are some eminent churchmen who are looked upon as politicians. His interests took a wide range for a cleric, and he had an interest in political matters. Bishop Bashford came to Washington, coming here for the purpose of attempting to present the facts about this thing to the American Government. There had been so much—to use a word that is current now—camouflage, and so much downright lying, that it was very doubtful to the people out in China that the Government knew the facts, although we knew that a full copy of the 21 demands had been procured by our legation at Peking and had been telegraphed and sent in writing to the State Department.

Bishop Bashford arrived here, and he had made an appointment to see Secretary Bryan, who was Secretary of State at that time, and about half an hour—he was stopping at the New Willard Hotel as he told me afterwards—about half an hour before he was to go over to see Secretary Bryan, Dr. Sidney Gulick, a former missionery in Japan, who had been prominent for many years, somewhat of a pro-Japan propagandist, called upon Bishop Bashford at the New Willard Hotel and said, "Now, Bishop Bashford, we are old friends and respect each other," and he added, "I do not like to see you making a terrible mistake." He said, "I saw a statement that you gave in San Francisco in which you say so and so, and I tell you privately that you are all wrong about this. You have come here and you are going to see the President, and you are going to see Mr. Bryan, and you do not want to go up there and make statements that are not correct, and I think I can enlighten you." Well, Bishop

Bashford said, "Go ahead and enlighten me. What is it that I am misinformed on?" He said, "You are all wrong about those 21 demands." He replied, "In what way am I wrong about those 21 demands?" "Well," Dr. Gulick said, "Japan never did such and such thing and so and so," giving a remarkable account of the thing. Bishop Bashford said, "What is the source of your information?" He replied, "The foreign minister at Tokyo, and I went over the whole thing with the Japanese Minister in Washington. I can assure you by the highest authority that you are entirely wrong." Bishop Bashford said, "Well, Dr. Gulick, I have an appointment just about now with the State Department. You come over with me and see Mr. Bryan." And Dr. Gulick said, "Very well," and they went over and saw Mr. Bryan.

Bishop Bashford asked Mr. Bryan before Dr. Gulick, "What information have you about these 21 demands?" And Mr. Bryan brought out a copy of the 21 demands and showed them to Dr. Gulick, and in a way that could not dispute the authenticity of it, and then Bishop Bashford said—before they had gone over Bishop Bashford said, "You come with me and we will talk to Mr. Bryan, and then I will go with you to talk to the Japanese ambassador." Bishop Bashford then said, "Dr. Gulick, are you satisfied?" Dr. Gulick, who was flabbergasted, said, "Yes." They finished their talk with Secretary Bryan and then they went out of the State Department, and then Bishop Bashford said, "We will now go to see the Japanese ambassador, and see what he says." Dr. Gulick replied, "I will have to ask to be excused. It would be too embarrassing."

Senator JOHNSON of California. Do you remember in the 21 demands there was a demand by Japan for virtual sovereignty?

Mr. MILLARD. It would amount practically to that. Nations in those things deal euphemistically.

Senator JOHNSON of California. I am not indicating that that was the phraseology.

Mr. MILLARD. The so-called group 5 made Japan practically sovereign of China. By the way, Mr. Bryan told Bishop Bashford and Dr. Gulic that our Government had protested.

Senator JOHNSON of California. It was eliminated by the protest of our Government?

Mr. MILLARD. The British protested against it, too.

Senator JOHNSON of California. It is ultimately eliminated.

Mr. MILLARD. Great Britain at that time was not in a position to make serious demands upon Japan. Probably they would not have paid much attention to Great Britain, but the combination of circumstances was that they thought they had better cut out group 5.

Senator JOHNSON of California. I want to call your attention to another secret treaty made by Japan in addition to those in relation to Shantung, the treaty made in 1916 between Russia and Japan. Do you recall that secret treaty?

Mr. MILLARD. Yes, sir.

Senator JOHNSON of California. Do you remember the particular provisions? I read article 2 for instance. [Reading.]

In the event, in consequence of measures taken by mutual consent of Russia and Japan, on the basis of the preceding article, a declaration of war is made by any third power, contemplated by article 1 of this agreement, by just one of the contracting

parties, the other party, at the first demand of each ally, must come to its aid. Each of the high contracting parties herewith covenants in the event such a condition arises, not to conclude peace with a common enemy, without preliminary consent therefor from its ally.

Article 3 provides [reading]:

The conditions under which each of the high contracting parties will lend armed assistance to the other side, by virtue of the preceding article, as well as the means by which such assistance shall be accomplished, must be determined by the corresponding authorities of one and the other contracting parties.

Senator McCUMBER. Do I understand that that was an agreement that was made between Japan and Russia?

Senator JOHNSON of California. Yes, sir.

Mr. MILLARD. It was a secret alliance during the war between Japan and the Russian Government. The documents were published after the revolution.

Senator JOHNSON of California. In response to Senator McCumber, yes; it was an agreement between Japan and Russia, signed by Sazonoff on the one hand and Motono on the other.

Senator McCUMBER. On what date?

Senator JOHNSON of California. 1916. [Reading:]

In witness whereof the persons invested with full power of both parties have signed and affixed their seals to the present agreement at Petrograd on the 20th of June—July 3——

Mr. MILLARD. That is the 20th of June our calendar, and July 3 the Russian calendar.

Senator JOHNSON of California. As an expert upon the eastern question, against whom would you say this alliance was directed?

Mr. MILLARD. An analysis of all the conditions and circumstances would demonstrate unmistakably that the third power mentioned in there would be the United States.

Senator JOHNSON of California. Can you sate, Mr. Millard, who it was that reported the result of the Shantung decision at Paris to the Chinese there?

Mr. MILLARD. I believe it was communicated to them—well of course they learned it first by Dr. Way being right there in the press room when Mr. Ray Stannard Baker came in with the official announcement. As a matter of fact everybody had known it the previous day, and then that night Ray Baker went over to the hotel Lutitia, which was the headquarters of the Chinese delegation, and gave them a copy of the memorandum which they had received several hours before, and also personally tendered the President's explanation of the thing, and then the next morning both Prof. Williams and Prof. Hornbeck went there and communicated substantially the same thing.

Senator JOHNSON of California. Did you know Mr. Ray Stannard Baker?

Mr. MILLARD. Yes, sir. I know him.

Senator JOHNSON of California. What position, if you know, did he occupy at Paris?

Mr. MILLARD. He occupied a position there of official intermediary, I should call it, between the American press correspondents and the President, or the American mission—but really the President. Every day Mr. Palmer would go up and see the President, and then he would come back to the press room with whatever was to be communicated to the press and give it out, either mimeographed or orally.

Senator JOHNSON of California. Let me ask you in regard to the Shantung Province, if you can answer me. The Province is about how large, if you know?

Mr. MILLARD. I do not know, but——

Senator JOHNSON of California. If you are not familiar with the statistics, never mind.

Mr. MILLARD. No; I know exactly its relation to China, but I would not know how to compare it with anything; and I do not know the number of square miles it contains. You can look in the China Year Book and see that. It is a large Province, comparable to one of our States.

Senator JOHNSON of California. Do you know about what its population is?

Mr. MILLARD. I should say 35,000,000 to 40,000,000.

Senator JOHNSON of California. What is the effect upon the control of the Province—of economic control, there?

Mr. MILLARD. The Japanese occupancy of the Province, as it has existed since they went in there and occupied it and as they occupy it up to the present time, and as it would be continued under this treaty, amounts to practical economic and political control of the Province. To give you a specific case——

Senator JOHNSON of California. Let me ask you: Under the provisions of the treaty Santung Province is practically given—substantially given—unto Japan, is it not?

Mr. MILLARD. That is really what it amounts to. That was the opinion of every expert we had at Paris.

Senator HITCHCOCK. Before you leave that, may I ask a question?

Senator JOHNSON of California. Yes; I am practically through.

Senator HITCHCOCK. Is there anything that gives to Japan, under this treaty, more than Germany actually had?

Mr. MILLARD. No; the treaty merely cedes to Japan what Germany was supposed to have.

Senator HITCHCOCK. So that if Japan does exercise anything more than that, it is usurpation?

Mr. MILLARD. Yes. Now, here is the actual situation, Senator. Japan, by the terms of this treaty, establishes herself in the position that Germany was in, there. Meanwhile, Japan had gone ahead and gone far beyond anything Germany had ever dreamed of doing, you see, and by these 1918 and 1915 agreements she had nailed China down on these things. China, of course, repudiated them; but she said they put a bayonet to her throat and she was helpless. She asked to be relieved from them, but that plea of China was turned down. Did you not notice Uchida's statement the other day, and did you not notice that the President came right back at him and contradicted him, and said, "You did not bring this up at Paris at all"? Now, they are going to get China off in a corner by herself, there, and just stick the bayonet at her throat again, and make her confirm all these things. In that Uchida statement, issued about 10 days ago, I believe—the 6th, was it not, of August—which is supposed to clear this thing up, but which is far more cryptic than any utterance she has ever given out before, that I know of, she says—it amounts to this—"We are going to give back when we get good and ready." He mentions no date or anything like that, but says, "We are going to

give it back under the 1915 agreement." Then, the President, on the same day, came right back at him and said, "At Paris you did not say anything about the 1915 agreement or the 1918 agreement, and nothing that was said there could be construed as placing the promises you made upon those agreements."

Senator HITCHCOCK. I wanted to get your construction of that. You agree, then, that if Japan exceeds in any particular the claims that Germany has, or had, in regard to Shantung, it is usurpation?

Mr. MILLARD. Absolutely.

Senator JOHNSON of California. And not due to this treaty?

Mr. MILLARD. Yes.

Senator KNOX. I would like to know——

Senator JOHNSON of California. Will you not let him answer the question?

Senator KNOX. Certainly; I will wait until you finish.

Senator JOHNSON of California. I did not hear the answer to the last question.

Senator SWANSON. He said yes.

Mr. MILLARD. Yes; I said yes, and I will go further and say they have already usurped it. They are in possession.

Senator KNOX. What I wanted to know is, by reason of Japan's propinquity to China, does not the same concession mean much more to Japan than to a European power?

Mr. MILLARD. Absolutely. That is as China pointed out at the time she was trying to protect her neutrality and prevent Japan from overrunning the province—that the possession of Germany was one thing from the strategic point of view, but the possession of Japan is absolutely another thing.

Senator SWANSON. Another thing to the same point: When this ultimatum was issued by Japan, in that ultimatum was a promise, a promise to the world that at some time in the future——

Mr. MILLARD. They would return it to China.

Senator SWANSON. That they would turn the whole thing over to China?

Senator SWANSON. When that promise was made did China take any steps to secure——

Mr. MILLARD. At that time there were negotiations by which China wanted to neutralize herself.

Senator SWANSON. She acquiesced in Japan taking this control?

Mr. MILLARD. No; she never acquiesced.

Senator SWANSON. What did she do at the time when that ultimatum was issued?

Mr. MILLARD. She protested.

Senator SWANSON. Formally, at that time?

Mr. MILLARD. Yes; she protested formally. Everybody saw, the minute that it came up, that the establishment of a German base at Kiaochow complicated matters so that China could not afterwards—one of the proposals was that China would join the Allies. Another proposal was that China would main absolute neutrality, and that she would take Kiaochow and intern the German ships, and that would settle it.

Senator JOHNSON of California. Is it not true that in Korea, and coming down through Mongolia and north and south Korea, Japan has made incursions in China that have been accompanied with the

most solemn protest that it was not intended to injure or impair the integrity or destroy the sovereignty of China?

Mr. MILLARD. Yes.

Senator JOHNSON of California. And that every time Japan winds up with the absolute sovereignty?

Mr. MILLARD. She winds up, as when she went to war with Russia, when she affirmed the independence of Korea in the treaty of peace, and a few years afterwards annexed it to the Japanese Empire, as she has Shantung, and by precisely the same process.

Senator SWANSON. I understand you to say that Great Britain and France and Italy definitely stated that they would adhere to those secret treaties, and could not adhere to a treaty in which those secret treaties were not taken care of?

Mr. MILLARD. That was the attitude. Of course at the time this decision was made Italy had bolted, you see, and she was indifferent, and she did not care.

Senator SWANSON. But if Great Britain, France, and Italy adhered to their secret agreements, it was impossible for Great Britain to sign any agreement as to the Shantung matter?

Mr. MILLARD. If they adhered to the secret agreements, then it was all fixed before the conference met.

Senator SWANSON. And if that had been done a treaty of peace in which Great Britain, France, and Italy participated would not have been signed?

Mr. MILLARD. If they had carried out those agreements.

Senator SWANSON. If they had carried out their secret agreements; and they insisted that they would?

Mr. MILLARD. They insisted that they would, Of course nobody believed that they would. That was just a matter of opinion.

Senator SWANSON. Then we would have been relegated to a separate treaty with Germany, if the Shantung matter had not been included?

Mr. MILLARD. It might have had that possibility, and might not.

Senator SWANSON. If Shantung had been left out of the treaty entirely, what position would have been occupied, so far as China is concerned, now? Would not China have been confronted by an agreement of France, Great Britain, and Italy to stand by Japan in her attempts on China, regarding the Shantung Province?

Mr. MILLARD. No; that agreement only contemplated up to the time of the peace conference, and that wiped that out.

Senator SWANSON. Now, has not the Chinese position been improved with this declaration on the part of the authorities in Japan and also the verbal promise given the President and the other members of the council that this will be restored? Has not the position of China been improved by those conditions, not including the treaty but outside of the treaty; has it not been made better than it would have been than if Shantung had been left entirely out of the treaty, with these secret agreements?

Mr. MILLARD. No; I do not think so.

Senator SWANSON. What would have been the effect if the Shantung matter had been left out, and Japan had been left to deal with these other things?

Mr. MILLARD. China, from the strategical standpoint, as Mr. Knox just brought out—and so would the British and the Americans and

everybody else—would a great deal rather have the German status than the Japanese status.

Senator SWANSON. They would rather have left it with Germany?

Mr. MILLARD. Yes. Yes, China wanted to get it back, and if she had to have some foreign nation there, she would rather have had Germany there, as before the war, than to have had it as it is now.

Senator SWANSON. What chance would China have had with these secret agreements between France, Great Britain, and Italy, and Japan?

Mr. MILLARD. That was a war agreement, and it would be eliminated with whatever action was taken by the peace conference. In fact, the Chinese plan was to get rid not only of those things but all of that, and she wanted to bring those things forward at Paris.

Senator SWANSON. But you stated that Great Britain, France, and Italy frankly stated that they would have to keep these secret agreements if Great Britain insisted upon it. Is that true?

Mr. MILLARD. Yes.

The CHAIRMAN. Did I understand you to say that France and Great Britain stated that they would refuse to sign the league and the treaty unless Shantung was recognized?

Mr. MILLARD. No; I said nothing of the kind. You said that hypothetically.

Senator SWANSON. I understood you to say that they said that they could not have any settlement of the Shantung matter that violated the agreements; that that was the position of France, Great Britain, and Italy.

Mr. MILLARD. Here is the attitude that they took, apparently. They took the position, "We did not want to sign these things, but we have signed them, and the only way of getting out of them is that you"—meaning the United States—"will have to open the way out."

Senator SWANSON. That is, they would have to get the consent of Japan?

Mr. MILLARD. They would have to try to do so. We did not do that in the Fiume matter. We could have said, "We will not sign any such thing," but this is what they did——

Senator SWANSON. If Shantung had been left out entirely in the treaty with Germany, what position would China have been left in then?

Mr. MILLARD. It would have reverted to the prewar status.

Senator SWANSON. But how would she have gotten rid of the agreements with France, Great Britain, and Italy to stand by China?

Mr. MILLARD. In your statement to me you assume two contradictory things. If you had omitted the Shantung matter from the treaty, they would have discovered that in some way or other the Shantung matter would have been disposed of.

Senator SWANSON. Suppose that the President had refused to consent to anything about Shantung?

Mr. MILLARD. Yes.

Senator SWANSON. And that it should have nothing to do with the treaty with Germany?

Mr. MILLARD. Yes.

Senator SWANSON. And all the allies had consented to that with regard to Shantung?

Mr. MILLARD. Yes.

Senator SWANSON. What would have been the position of China; better than it is to-day?

Mr. MILLARD. Yes.

Senator SWANSON. How?

Mr. MILLARD. It would have reverted to the prewar status.

Senator SWANSON. And those secret agreements?

Mr. MILLARD. Those secret agreements were simply to the effect that when it came to the decision of a peace conference to settle this question up, Japan was going to make certain claims; that these powers would vote with her on those claims. That is all the secret agreements amounted to.

Senator SWANSON. And suppose the Shantung matter was then taken up separately by France, Great Britain, Italy, and Germany, France, Great Britain, and Italy would still have been precluded from doing anything contrary to the wishes of Japan under that agreement?

Mr. MILLARD. Not necessarily. That would have created a situation not contemplated in the agreements when they were signed, and it might have been dealt with differently.

Senator SWANSON. It seems to me with this understanding made by the council that Japan will support it, that the position of China has been improved.

Mr. MILLARD. Not at all, because so far as we know in regard to the promise Japan has made, she has not stated a date; and now, by the very statement of Uchida she is equivocating already. It says that you are to predicate something on the 1915 agreement, but that touches a lot of things besides Shantung.

Senator SWANSON. Would not China have been infinitely better off than she is now, would not she have had a better standing to-day; would not the United States now be in a better position to befriend her, if she has a positive agreement from Japan that she will keep this agreement?

The CHAIRMAN. There is no such agreement.

Senator SWANSON. Yes; I think there is.

The CHAIRMAN. It is a verbal agreement. Japan has violated every verbal agreement she has made.

Let me ask you, is it not the worst thing that could possibly happen to China to have Shantung go into Japanese hands?

Mr. MILLARD. That is the way I view it, and every person in China that I know of, the British and everybody else.

Senator SWANSON. It is all in her hands?

Mr. MILLARD. Yes.

Senator SWANSON. Just as much as the treaty could put it in her hands?

Mr. MILLARD. The treaty does not put it there.

Senator SWANSON. The treaty does not put it there?

Mr. MILLARD. The treaty confirms her. I will tell you how the treaty helps her to hold the thing down.

Senator SWANSON. Yes.

Mr. MILLARD. The treaty merely consists of the clauses by which, without any mention of China whatever, Germany cedes certain things to Japan. Those things happen to be territorially in China.

In the covenant of the league of nations there is an Article XXI. That article is to the effect that the Monroe doctrine and other regional understandings that are in existence, presumably at the

time this covenant goes into effect, are made valid. Now, that confirms the Monroe doctrine, and it confirms about 20 known agreements, and Heaven knows how many secret agreements and understandings about China.

Senator SWANSON. Are those regional understandings different from or like our Monroe doctrine?

Mr. MILLARD. They are as different as night is from day.

Senator SWANSON. They do not protect those that are unlike the Monroe doctrine. The treaty says "regional understandings, like the Monroe doctrine."

Senator KNOX. No; the regional understanding is like the Monroe doctrine.

Senator SWANSON. Well, that is a difference of opinion.

Senator JOHNSON of California. We will now let him go ahead and finish his answer about the regional understandings?

Senator SWANSON. Yes.

Mr. MILLARD. Since I have returned to this country I have taken the trouble to get the opinions of two or three international lawyers of ability on that question, "Now, here, whom are you going to appeal that case to? You are going to appeal it to this very bunch that have got these regional understandings betwen themselves. You see, that is where the Chinese Government is going, and they are going to take a diplomatic attitude, just like they took at Paris, favorable to a certain construction; and when is our Government ever going to be, I would like to know, in a better position to make these various nations conform to our ideas of what is right than we were at Paris?"

Senator SWANSON. Except that we have, if the statement is true, an agreement from the Japanese Government—verbal—but a written agreement is simply evidence of an understanding, and it is simply evidence and it does not give any more sanctity, it is of no more force than a verbal one, and it is of value only as insuring that there shall be no dispute about it—an understanding that this territory will be returned to China.

Senator JOHNSON of California. So far as Japan is concerned?

Mr. MILLARD. Yes; of course reserving the special concession and these special privileges.

Senator SWANSON. Now——

Mr. MILLARD. Will you let me finish one of the observations, if you do not object?

Senator JOHNSON of California. Yes.

Mr. MILLARD. To my mind and to the mind of every expert who really understands the conditions as they are translated into action in China, and all the various things that affect it, Japan is now in a much stronger position, looking at those things that are going to arise. You have seen one thing: Mr. Uchida's understanding does not conform to the President's, because when Mr. Uchida made that statement the President came right back at him and said that he did not say anything about that in Paris.

Mr. Johnson's understanding as to the Japanese agreement is not what the Japanese understand by it.

Senator SWANSON. If this regional agreement had not been ratified by Great Britain, France, Italy, and the United States in the council when they had their conference that she would surrender what she has to China, that supersedes the secret treaties, does it not? It is

subsequent to the secret treaties, and you understand that having made this agreement with the United States and these other countries, she will return Shantung to China, and with that understanding, which is subsequent to the secret treaties, my impression was that the situation of China was benefited rather than hurt by the situation.

Mr. MILLARD. Yes, that was the tenor of the President's explanation.

Senator SWANSON. Now, the only thing is whether Japan will comply with that

Mr. MILLARD. Every expert disagreed with him, however.

Senator SWANSON. Now, let us go back to your ideas about these regional understandings. Let me read what is in article 21 [reading]:

> Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

Now, my idea is that the one thing protected is regional understandings like the Monroe doctrine. Now, if these regional understandings are contrary to the Monroe doctrine, which to my mind is plain, they are not protected by this.

Mr. MILLARD. If when this thing came up you Senators or the President were going to interpret it, it would probably be along the line of what you have expressed.

Senator SWANSON. Just take that language.

Mr. MILLARD. But you are not going to interpret it. That is going to be the point; and the chances are that Mr. Wilson is not going to interpret it, because the test of this thing is going to come after he leaves office.

Senator SWANSON. The President has given his statement about it.

Mr. MILLARD. Yes.

Senator SWANSON. They have made a public declaration which any honorable nation ought to comply with.

Mr. MILLARD. There is no question about that.

Senator SWANSON. They have made a promise and bound themselves to it.

Mr. MILLARD. Yes; the question is whether under the circumstances you can trust it or not.

The CHAIRMAN. Where is the record of that statement?

Mr. MILLARD. I will say that the Chinese made a request in writing, and they referred that statement up, and my latest information was they could not obtain it. They would be entitled to it.

The CHAIRMAN. It has never been made in writing.

Senator MCCUMBER. Has Japan made an agreement with China that has been put in writing?

Mr. MILLARD. Yes; that is, in half a dozen different statements, if you want to say that, something like what Mr. Uchida said the other day is an agreement.

Senator MCCUMBER. But when was the agreement made with China?

Mr. MILLARD. They put that in the agreement, I think, on half a dozen different things.

Senator MCCUMBER. That is in writing?

Mr. MILLARD. Yes.

Senator MCCUMBER. Japan agreed in writing there that she will return Shantung to China.

Mr. MILLARD. She has agreed; all right.

Senator MCCUMBER. We will agree, then, if you wish, that she will break her word; but my question is whether Japan has made a solemn covenant in writing that she will return Shantung to China?

Mr. MILLARD. If you will read that agreement, wherever she has stated anything in writing, you will find that is in very vague and qualified fashion. It would lead the average person to say that she has agreed to do this; but when you come to analyze it and see how this is qualified by other clauses of other things, then you will get a different impression, and nobody but an expert understands that. He digs into it.

Senator MCCUMBER. Do not take the witness away from me. It is my purpose to ask some other questions along this line.

The CHAIRMAN. Did not Japan make explicit statements that she would respect the independence of Korea, and then change the dynasty?

Mr. MILLARD. She did.

Senator KNOX. She did that in a treaty?

Mr. MILLARD. Yes, in the Portsmouth treaty of peace.

Senator MCCUMBER. All right; she makes an agreement that she will sign this agreement, another agreement, not that she has made with Korea, but with the whole world; and one of the things she agrees to is that in order to permit international cooperation and the largest international vision and security, she is to do it by the maintenance of justice and scrupulous respect for all treaty obligations?

Mr. MILLARD. Yes.

Senator MCCUMBER. Now, Japan signs that?

Mr. MILLARD. Yes; she signed it, all right.

Senator MCCUMBER. When she signs that with Great Britain and France and the United States and Italy, do you mean to say that we are not in a better position to compel her to abide by what she agrees to abide by?

Mr. MILLARD. Not at all, because that is worth nothing, and when the thing comes to a test, some combinations, or plans, will develop that will change everything.

Senator MCCUMBER. We will differ as to our decision on that. Do you suppose they will allow her to make an agreement with China and then break it?

Mr. MILLARD. Yes.

The CHAIRMAN. China is helpless in this.

Mr. MILLARD. I wish you Senators would go into this thing somewhat on the lines I have laid down to you, and see if you can not find out whether or not a thing in Paris is supposed to have happened, that happened while the French and British Governments were making up their minds how they were going to line up on this question, did happen. They had signed similar agreements with Italy about Fiume, and others that they have tried to wriggle out of and others that they have not tried to wriggle out of but that they will undoubtedly try to get out of before the world is 48 months older, and when they were lining up their position there at Paris on this Shantung thing, it is believed, and there is considerable circumstantial evidence of it, that before they decided they would come into the council of four they said, "If we do this, what situation does that lead to?" and then had gone on and made an agreement among themselves

covering the situation to which that would lead, involving the creation of a new tripartite agreement covering Asia, which is equivalent of the recognition of the paramountcy of Japan over a considerable part of China; and here they remain. But these are what we are going to be confronted with, that far, and you gentlemen can bring that out if you will ask the President and the Secretary of State about it, as you did Mr. Lansing the other day, and Mr. Lansing said he believed that there was such an agreement; that he does not know what its terms are or what it embraces.

Senator JOHNSON of California. I think, if you will permit the correction, that the newspaper accounts got that somewhat involved. I think Mr. Lansing said he did not know of any such agreement.

Senator SWANSON. I think he stated that he did not believe there were any such agreements.

Senator JOHNSON of California. Yes; I think Senator Swanson is correct, that he said he did not believe there were any such agreements—did not know of any such.

Mr. MILLARD. Before you Senators decide upon the final form those things shall take, I would not leave that to chance. All you have to do is to ask of the British and French Governments what agreements they have on that, if they have any, or if not; and if they have, to let our Government see the test of them. That is something that can be absolutely disclosed, and it goes right to the heart of this whole thing; because by that information and by that information alone have you got a line on after Mr. Wilson is out of office, after all of you may be dead, or one thing and another; he may be dead and the man that made this promise at Paris may be dead, and when this question comes up, as it is coming, and I will state my position here without any qualification with that situation in the Far East; as it is left now if we do not have war with Japan we are going to arrive in the next 10 years at a place where the ice is going to be so blamed thin that we do not know whether we will get over it or not——

Senator SWANSON. What do you think will bring that war on?

Mr. MILLARD. Any pretext; any one of a hundred things would bring it on. You have got that issue there, and it is only a question of opinion. It is just like the experts of Europe saw this thing cooking for years, and they skated time after time over ice so thin that it cracked and they did not know whether they would get over or not, and finally, one day the ice did not hold.

Senator SWANSON. I have read your books with a great deal of interest, and they are very illuminating. I would like to ask you this question: If Japan does make a verbal agreement with those five great nations, whether that supersedes these agreements, whether verbal or written?

Mr. MILLARD. Of course in this memorandum to the Chinese Government I analyzed this matter of the Japanese. We went over there and talked it over with them, and they were simply heartbroken; and I said, "We are all feeling badly to-night, and we had better think it over to-morrow morning, and I will write you out what I think of this thing;" and the next morning I did, and I analyzed it, and I have got that memorandum somewhere; and I said, "Now, you have got to take into consideration certain things." They were bitter at the President. I said, "Here we all think that the President made a wrong decision here.' I said, "There is no

reason to think that he did not mean well in his heart by China in doing this, but he will be President of the United States for the next 20 months, and we do not want to do anything to alienate the President's sympathy, and if I was you people, I would be very circumspect in everything I said, and I would try to let the President see that you disagree with what he did, but you do not impugn his motives;" and then I pointed out that the only thing in this that China could take an appeal out of in this was that these secret agreements are wiped out under the Shantung agreement of 1907.

Senator SWANSON. Yes.

Mr. MILLARD. It is wiped out because they were just like a promissory note. You have paid it up. These Governments all agreed that they would support Japan in this agreement.

Senator SWANSON. Japan agreed that she would return this to China.

Mr. MILLARD. These agreements were wiped out so far as these Governments were concerned. That left the French and the British and the other Governments to line up with them to keep all their promises in the future.

Senator SWANSON. You think so if Japan made that promise?

Mr. MILLARD. But now you could find out before they had done that if they had not agreed with Japan something else. That is what you want to find out, and the Senate has the means of finding that out. I have not.

Senator SWANSON. Do you not think that the United States, if she wanted to help China about Shantung, would have a greater right to do so with this understanding and promise made to President Wilson in the council that she would return Shantung, a promise made to him?

Mr. MILLARD. To the extent that this is all cumulative, yes. Every time that you get them to say over again that they are going to do this, it is cumulative in the sense that is is going to build up an opinion, a moral sentiment.

Senator SWANSON. You have a right to force anybody to comply with an agreement.

The CHAIRMAN. No date is mentioned for the accomplishment of this.

Mr. MILLARD. No. She may hold it for 50 years. You see, Senator, she is in the same thing in Manchuria, kept crowding in. Whereas this may seem clear to you, you can not satisfy the Chinese. It is a thing that is present to them. I would like to say this, that this thing is a living situation to all the people out there in respect to Shantung. We should remember that three-fifths of the people of the world are out there, when it comes to man power, and there is a very serious and grave danger that if something is not done to remedy this thing or to give a hope for a remedy, not which you will understand, but which the Chinese will understand as offering a hope. It might be all right to you, with your legal mind, observing the thing in detachments, but it has got to be fixed so that they will get some hope out of it. You are going to have a wave of antiforeignism over China, with missionaries murdered up in the country.

Senator SWANSON. All of us would have loved to see included in the treaty an absolute promise to China. The difficulties are such as you have narrated. We feel that with this agreement made on

Japan's part to the five great powers China is in a better condition than she was when she went to the peace conference.

Mr. MILLARD. They do not think so, and the lawyers whom I have advised them to consult do not think so, because, they say, "You have given Japan various points upon which she can successfully quibble and evade and she did not have those points before. You have this signed up in the treaty with all the nations. It was more or less nebulous before." It is my own opinion, but I did not trust my own opinion. I state the opinion of international lawyers whose opinions reach higher than mine.

Senator JOHNSON of California. Let me call your attention to the fact that five great powers have nailed the thing down in the treaty. They never have mentioned in the treaty any promise, verbal or otherwise, and there exists to-day no written agreement for Japan to turn back Shantung.

Mr. MILLARD. Not so far as I know.

Senator MCCUMBER. Not even with China?

Senator JOHNSON of California. No written agreement.

Mr. MILLARD. China has requested to get the minutes of this thing, to see what Japan did.

Senator SWANSON. I think you will find that as an agreement.

Mr. MILLARD. You think China is included?

Senator SWANSON. It is included in the ultimatum to turn it back to China. There is a public declaration to that effect.

Senator JOHNSON of California. If anybody had considered the promise of any value it would have been put in the treaty.

Mr. MILLARD. The whole psychology of the Asiatic world is turning against us on this thing, and it leaves a very grave circumstance. There is this thing that the Senate can do. The Senate can disclose the facts and the Senate can disclose the action, and without touching the treaty or the government to which this issue is bound, which we say is as distinct as anything can be, it can be seen whether she makes good these oral promises. And that is coming as certain as we sit here. The Senate can so shape events and it can do that without touching the government or treaty, that we will be practically through with them, and we will have lined up with us the majority of the so-called principal powers. Whereas, in my opinion, if we do not take those precautions, we will find them lined against us, and in that event we will have the same result as at Paris, because we will be in no better position to exert pressure than now.

The CHAIRMAN. It is now 5 minutes of 1, and as there are other questions that Senator McCumber desires to ask, we will take a recess until 3 o'clock.

(Thereupon the committee, at 12.55 o'clock p. m., took a recess until 3 o'clock p. m.)

AFTER RECESS.

The committee met at 3 o'clock p. m. pursuant to the taking of recess.

Present: Senators Lodge (chairman), McCumber, Borah, Brandegee, Johnson, Moses, Hitchcock, Swanson, and Pomerene.

Senator MCCUMBER. The committee will please come to order. The chairman, Senator Lodge, is busy at present in the committee and has asked me to preside until he returns.

Senator JOHNSON of California. Will you note Mr. Reporter that the presiding officer, Senator McCumber, Senator Moses, and myself are those who are present.

Senator MCCUMBER. Will you take the stand again, Mr. Millard?

STATEMENT OF MR. THOMAS F. F. MILLARD—Resumed.

Senator MCCUMBER. Had you finished, Senator Johnson?

Senator JOHNSON of California. Yes.

Senator MCCUMBER. I would like to ask you then, Mr. Millard, a few questions for the purpose of placing upon the record the events in the regular order which led to this inclusion of the treaty which also held Kiaochow for Japan. There was a lease entered into between China and Germany March 26, 1898, respecting Shantung Peninsula, was there not?

Mr. MILLARD. I believe that is the correct date.

Senator MCCUMBER. In that treaty Article I provides:

His Majesty, the Emperor of China, guided by the intention to strengthen the friendly relations between China and Germany, and at the same time to increase the military readiness of the Chinese Empire, engages, while reserving to himself all rights of sovereignty in a zone of 50 kilometers, etc.

And then provides what rights are granted to Germany. In that, Germany clearly recognizes the sovereignty of China, does she not?

Mr. MILLARD. I think so.

Senator MCCUMBER. But at the same time she exercises and enforces upon China the right whereby Germany may exercise rights that are inconsistent with complete sovereignty, such as sending her soldiers across the territory without interference and in other respects to control that territory?

Mr. MILLARD. Yes; various matters of that nature arose subsequently where there was a question as to the propriety of Germany's action.

Senator MCCUMBER. At this time, then, Secretary Hay took the matter up with Germany, did he not?

Mr. MILLARD. Yes, sir.

Senator MCCUMBER. And the result was an understanding that the open-door policy would be maintained in that part of China and also that Germany did not claim any sovereign rights over the territory?

Mr. MILLARD. Yes; that was disclosed by what is known as the Hay-Von Buelow notes.

Senator MCCUMBER. Then so far as the right of China to exercise sovereignty over her own territory has not been denied either by Germany or any other country?

Mr. MILLARD. You mean denied in the form of a treaty or anything of that kind?

Senator MCCUMBER. Yes.

Mr. MILLARD. Not to my knowledge.

Senator MCCUMBER. The only treaty there was recognized the sovereignty of China over this territory?

Mr. MILLARD. Yes, sir; that is recognized in about 10 different treaties.

Senator MCCUMBER. Then we have had several other agreements with Japan and others about the open-door policy?

Mr. MILLARD. I think Japan is on record in about nine written agreements and treaties.

Senator McCUMBER. Two of which are the Root-Takahira agreement——

Mr. MILLARD. And the Lansing-Ishii agreement, and then also her acquiescence in the principles of the Hay-von Buelow, or the Hay doctrine.

Senator McCUMBER. Now, on May 25, 1915, Japan and China entered into a treaty relating to Shantung, did they not?

Mr. MILLARD. That treaty included provisions relating to Shantung. It did not relate to Shantung exclusively.

Senator McCUMBER. It also related to Manchuria?

Mr. MILLARD. Yes, sir.

Senator McCUMBER. To refer now simply to the part relating to Shantung, Article I of this agreement provides [reading]:

The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

That, of course, was a clear grant on the part of China that Japan might retain all rights that Germany had acquired under the treaty which China made with Germany.

Mr. MILLARD. Undoubtedly. Of course you are acquainted with the fact that China signed that ultimatum?

Senator McCUMBER. Oh, yes; just as practically she signed all the other treaties whereby any of these nations obtained rights in Chinese territory. She signed them all because she had to.

Mr. MILLARD. Yes.

Senator McCUMBER. Yes; exactly; just as Japan at one time made an agreement to open up her ports to American trade when we sent Perry over there, some fifty-odd years ago.

Mr. MILLARD. There is a great deal of difference in the circumstances. China objected to some things very strongly.

Senator McCUMBER. But all of these concessions have been obtained from China because she was too weak to resist?

Mr. MILLARD. A majority have; yes, sir.

Senator McCUMBER. Now, at the same time that this treaty was under consideration, and on May 15, 1915, there were certain notes exchanged between Japan and China; that is, between the ministers of the two countries.

Mr. MILLARD. A large number of notes.

Senator McCUMBER. I call attention to one of them, and this was a note from the Japanese minister to the Chinese minister, dated May 25, 1915. In this the Japanese minister says:

In the name of my Government I have the honor to make the following declaration to the Chinese Government:

"When, at the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions."

There was a clear and unequivocal statement on the part of Japan at that time that the leased territory would be restored to China under the conditions that are mentioned?

Mr. MILLARD. Yes, sir.

Senator McCUMBER. And the conditions, I will set them out here as well [reading]:

1. The whole of Kiaochow Bay to be opened as a commercial port.
2. A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.
3. If the foreign powers desire it, an international concession may be established.
4. As regards the disposal to be made of the buildings and properties of Germany and the conditions and procedure relating thereto, the Japanese Government and the Chinese Government shall arrange the matter by mutual agreement before the restoration.

Now, you being particularly acquainted with these conditions, can you explain what is meant by the second proposition:

A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.

Mr. MILLARD. That has since that time been disclosed with absolute definiteness. Subsequently to the singing of that the Japanese Government has made surveys, all of which have been charted out with maps specifically designating the area which is dominated there as a special concession.

Senator McCUMBER. What were the rights to be given in that concession to Japan?

Mr. MILLARD. The exclusive jurisdiction over that territory.

Senator McCUMBER. You mean exclusive sovereignty over it, or control over it, or what?

Mr. MILLARD. It would amount to absolute sovereignty. Now then you can split a hair there if you are disposed to, and say that it is a qualified sovereignty. But it is an absolute and complete sovereignty, a police control of that district just as much so as Japan would have at Yokohama and Tokyo.

Senator McCUMBER. Will you give us the facts as to what the agreement was and the control to be exercised, and how exercised and for what purpose?

Mr. MILLARD. The control in general terms is designated in that statement. The way it works out in actual practice is that a certain area of ground specifically designated, like a deed to a plot of land, and within that the Japanese would establish their courts, and would have entire police control and have entire municipal control of the place.

Senator McCUMBER. Where did you obtain that information? Where did you get that agreement as included in the concession, because there is nothing here to show what the word "concession" means?

Mr. MILLARD. There is nothing there, but that is exactly the way she conducts her concessions everywhere else, and there is no reason to presume that there will be any departure in this case.

Senator McCUMBER. Then you do not know exactly what Japan will claim under this agreement to grant her a concession?

Mr. MILLARD. No; no one could foresee in advance how the thing may be subsequently qualified or modified or anything like that. Nobody could foresee that. So far as anybody could judge at the present time, that would give her the full right and authority, all that is needed to go ahead, just the same kind of jurisdiction that she has in other places in Chinese territory.

Senator McCUMBER. Then followed considerable discussion between China and Japan, and finally Japan sent an ultimatum to China?

Mr. MILLARD. Yes, sir.

Senator McCUMBER. The third proposition in this ultimatum——

Mr. MILLARD. That is, of course, she sent the ultimatum before China ever signed. China signed as the result of the ultimatum.

Senator McCUMBER. Yes; while they were discussing it. The third proposition reads:

If the Chinese Government accept all the articles as demanded in the ultimatum the offer of the Japanese Government to restore Kiaochow to China, made on the 26th of April, will still hold good.

That was one of the agreements that Japan made to China, that if China would agree to the ultimatum which she had given that very day, the agreement of Japan to restore Kiaochow back to China would still hold good?

Mr. MILLARD. Yes, sir.

Senator McCUMBER. Then China replied on the same day, did she not?

Mr. MILLARD. I have not read that for some time. I would not say offhand.

Senator McCUMBER. I think it was on the same day.

Senator BORAH. She did reply the same day.

Senator McCUMBER. The month is given here, but the year of the Chinese Republic, and I do not know whether that corresponds with our month or not. The Chinese reply was this [reading]:

The Chinese Government with a view to preserving the peace of the Far East, hereby accepts, with the exception of those five articles of Group V, postponed for later negotiation, all the articles of Groups I, II, III, and IV, etc.

Mr. MILLARD. Yes.

Senator McCUMBER. And III is the one relating to Kiaochow Bay. Well, those agreements are in writing and are a part of the notes relating to the transfer of all the rights that Japan may have to China in Shantung?

Mr. MILLARD. Yes, sir.

Senator McCUMBER. Then under those notes certainly Japan is in honor bound to return it, is she not?

Mr. MILLARD. She is in honor bound, also legally bound, I would say, as far as treaties legally bind any one.

Senator McCUMBER. Although it is not mentioned in the treaty itself or the treaty taken in connection with those notes, that Japan is bound to return Shantung to China?

Mr. MILLARD. You will notice that in anything she has given no time has been given.

Senator McCUMBER. That has been repeated several times, and I fully recognize it, and I will come to that after a while.

Well, Germany also disclaimed any right of sovereignty when she took the territory from China, although she exercised rights of sovereignty?

Mr. MILLARD. To a limited extent, she did, but usually those little matters of friction when they came up were straightened out fairly well to the satisfaction of China. After Germany had once accomplished her strategical purpose there, which was to effect lodgment and leave herself free to create a naval base at that place, her policy was to try to placate China in every possible way, and after a matter of 15 or 20 years to a certain extent they had handled the situation so diplomatically with respect to the Chinese, that Chinese resentment had very largely died down.

Senator McCUMBER. But let us follow this up now. Before Great Britain, France, and Italy entered into an agreement with Japan that if Japan would continue in the war she might hold the rights of Germany, there had already been this agreement between China and Japan that Japan might hold this territory?

Mr. MILLARD. Yes, sir; that had preceded.

Senator McCUMBER. Then we have these two facts: First, that Japan had taken the territory by conquest from Germany and seized whatever rights Germany had in it, and in addition to that China had agreed that Japan might hold all the rights that Germany had had:

Mr. MILLARD. Yes. She had agreed under duress.

Senator McCUMBER. Yes; then came Great Britain, France, and Italy, and by their secret agreement they had assured Japan that she might hold what she had taken from Germany. That is correct?

Mr. MILLARD. It amounted to this, that they would vote that way on this question at the conference.

Senator McCUMBER. And that made it rather difficult for those nations to refuse to recognize the right of Japan to hold this Shantung at the peace conference. It rendered it almost impossible for them to do that without going back on their national words?

Mr. MILLARD. In a sense that will be; but you will recall, Senator, on several occasions the Prime Ministers of those Governments made express statements which would indicate to the world an intention to regard various secret agreements of that kind as water under the bridge, so to speak. That was at the time that we came into the war, and they were cajoling us about these questions. The average person not cognizant with all the questions, with all the ins and outs of this thing, would have believed that these Governments had said that subsequent events had perhaps abrogated the moral obligation involved in those agreements, just as, for instance, China took the position at Paris that when she came in and declared war with Germany and denounced all her treaties and agreements with Germany, thereby the German rights in Shantung became automatically nonexistent, and the only way they could be given to Japan by treaty would be to reinvest them somehow in Germany.

Senator McCUMBER. But she had first given Japan, before she entered into this war, all the rights Germany had?

Mr. MILLARD. She was still a neutral, you see.

Senator McCUMBER. But the point I wanted to make, Mr. Millard, was this, that it was rather difficult for Great Britain, France, and Italy, to force Japan to relinquish her claim upon Shantung after the promise had been given her that they would support her.

Mr. MILLARD. You might say it was difficult to do just that on several occasions in regard to other matters.

Senator McCUMBER. Did they leave it to President Wilson to attempt to accomplish that?

Mr. MILLARD. They did in the Fiume incident, yes.

Senator McCUMBER. And President Wilson was unable to accomplish it?

Mr. MILLARD. There was almost an exact analogy as to the principle and circumstances involved. You will note some discussions in the papers at the present moment in regard to an agreement with France in regard to extreme western Russia. When Russia was an

important element in the war, Great Britain, France, and Russia entered into an agreement which covered that region of Russia. Later when Russia became weak, France and England made a subsequent agreement. And now apparently the British Government at Paris took the position that by reason of the circumstances that caused the collapse of Russia, everything broke down, and she is out of the agreement.

Senator McCUMBER. You have indicated, if I got the construction of your testimony correctly, that Great Britain and France would like to see China regain complete conotrol over this territory?

Mr. MILLARD. I think in the abstract that would be their preference; yes, sir.

Senator McCUMBER. And they are prevented from insisting upon that by reason of their agreement?

Mr. MILLARD. I do not believe that that states the real reason quite accurately, sir. That is the ostensible reason.

Senator McCUMBER. Do you think they could compel Japan to do so?

Mr. MILLARD. Yes; and I tell you what I think the real reason is. I have discussed these questions at different times with men in various governments, unofficially, and they spoke freely, and I have had some of them say to me at various times while this was going on, "Here is a certain condition existing in Asia, and as far as I can make out the American Government has no definite policy. We can not depend on it for anything out there to stabilize the condition in Russia. Under the circumstances, we are compelled to play with Japan."

Senator BRANDEGEE. You mean the English said this?

Mr. MILLARD. Yes; both French and English.

Senator POMERENE. Did these people have authority to commit Great Britain in such a statement?

Mr. MILLARD. Just as I say, it was just as you and I would sit down and talk.

Senator POMERENE. Corner grocery talk?

Mr. MILLARD. Not at all, just plain common sense. I would say, "What do you fellows mean? We can not figure on what you are driving at." As far as British interests in China are concerned, British opinion on this is absolutely unanimous as American opinion is. They are so bitter against the Japanese. The British in the Far East are so bitter about it that the average Englishman can not talk about it without getting red in the face, and the British Government, say, "We know perfectly well just like when they secretly got out of Korea, they made a sacrifice of British interests there but they traded it off for something else. In Manchuria they did the same thing, and when they traded Shantung in 1917 they did the same thing." You talk to these fellows and ask them, "Why do you do this?" They reply, "We admit we do not like to do it, but we have to do it because of the shiftless policy of the American Government which will not come down in black and white. We have to trade the best we can." That is the line of talk they give.

Senator BRANDEGEE. You say certain Englishmen and Frenchmen when they were talking with you informally. Were they men who are officials of these countries?

Mr. MILLARD. They were officials of these countries. They were far eastern experts.

Senator BRANDEGEE. I mean it was not corner grocery talk.

Mr. MILLARD. No.

Senator MCCUMBER. But if Japan insists before the conference that her treaty with Great Britain, France, and Japan must be kept, were those countries in any position to go back on their treaties?

Mr. MILLARD. They might if those treaties were made before America and China came into the war. That act altered many things.

Senator MCCUMBER. But that treaty was made for the purpose of keeping Japan in the war and Japan stayed in the war and Japan took possession of that section, she took it from Germany. Could they then say to Japan, "Now we promised you this, but because the United States got into the war it made a change of conditions and now we will go back on the promise."

Mr. MILLARD. They said substantially that, not to Japan but to other nations under different circumstances.

Senator MCCUMBER. Under different circumstances, I admit.

Senator HITCHCOCK. Before we leave that, this morning you stated in reference to the secret treaties, that these secret treaties were recognized and that Great Britain and France and Japan liquidated them and they were closed and satisfied.

Mr. MILLARD. That is the way it turned out; yes, sir.

Senator HITCHCOCK. So that they were recognized and of course the nations must have insisted on their recognition or they would not have recognized them.

Mr. MILLARD. Japan insisted, and Great Britain stood by her. That is the way it worked out.

Senator MCCUMBER. Then Japan takes these German concessions with the added obligation that Germany was not required to fulfill under 99 years, but with the added obligation that she will return Shantung to China.

Mr. MILLARD. Yes, sir; she stated that in various ways.

Senator MCCUMBER. So China has better terms with Japan than she had with Germany with the exception as you say that Japan does not fix a definite time?

Mr. MILLARD. No, and with the exception also that Japan by this supplementary 1918 agreement which they bribed the Chinese Ambassador at Tokio to sign, and which she now is trying to work in various ways, to have it established as a valid instrument, which the President refused to do in his rejoinder the other day, gets an influence that Germany never had at all, and which she is attempting to get in the terms she made at Paris.

Senator MCCUMBER. But she does not get those under the treaty. It is purely an assumption of right without any written authority to back it.

Mr. MILLARD. Those matters are not mentioned in the treaty unless they would come in under the general terms of economic rights.

Senator MCCUMBER. She has no right to do it under the treaty.

Mr. MILLARD. I would not say that she had not. She might construe that she had an interest in it.

Senator BRANDEGEE. The obligation to return sovereignty is not in the treaty, is it?

Mr. MILLARD. No, sir; it is not mentioned in the treaty.

Senator MCCUMBER. But it is by a written agreement affixed to the treaty?

Mr. MILLARD. No, sir.

Senator McCUMBER. The written agreement between the ministers was made at the same time or just prior to the adoption of the treaty.

Mr. MILLARD. I am speaking now of the peace treaty at Paris.

Senator BRANDEGEE. Yes; that is what I was speaking about.

Senator McCUMBER. Then the present treaty or the treaty between Japan and China requires Japan to return Shantung to China?

Mr. MILLARD. It does, sir.

Senator McCUMBER. Of course, if she does carry that out in good faith it means a reasonable length of time?

Mr. MILLARD. I would assume so.

Senator McCUMBER. It does not mean that she has a right to quibble?

Mr. MILLARD. Not to hold it 15 or 20 years.

Senator McCUMBER. Nor a hundred years or a thousand years?

Mr. MILLARD. No, sir.

Senator McCUMBER. That is an obligation upon Japan?

Senator BORAH. May I say a word there? A Japanese gentleman lecturing at Georgetown University some time ago gave an idea when that time would ripen. He said it was likely to be when England got out of China or when the United States gave up the Philippines.

Senator McCUMBER. He might have said that, but I am not talking about what some one Japanese or any one says when he gets up and talks.

Senator BORAH. He was a commissioner to this country. I wanted to give you an idea of the Japanese idea of time.

Senator McCUMBER. Not the Japanese idea of time, but a certain Japanese idea. The treaty requires Japan—the present treaty I am speaking of—to faithfully carry out the terms of any treaty she has made with a foreign government that is not inconsistent with this treaty.

Mr. MILLARD. Which treaty are you referring to now, Senator?

Senator McCUMBER. I am referring to the peace treaty before us.

Mr. MILLARD. The peace treaty does not require them to do anything.

Senator McCUMBER. I beg your pardon; it does.

Mr. MILLARD. In respect to Shantung.

Senator McCUMBER. The point is this, that Japan promises China that she will return Shantung to China.

Mr. MILLARD. She did that in the 1915 agreement and she has repeated that in various ways. There is no question about that.

Senator McCUMBER. It has been repeated in this treaty, if Japan signs it. It reads:

> In order to promote international cooperation and to achieve international peace and security—

It is to be done by certain means—

> by the maintenance of justice and the scrupulous respect for all treaty obligations in the dealings of organized peoples.

She certainly does agree to that when she signs this treaty.

Mr. MILLARD. Yes, sir; I have read a great many treaties, and I have discovered that preambles sometimes state a purpose opposite to that in the treaty.

Senator McCUMBER. You have found that some have been broken, but some have been kept?

Mr. MILLARD. Yes.

Senator McCUMBER. Do you not assume that honorable Governments will keep their treaties, and that this Government will maintain its obligations?

Mr. MILLARD. Unfortunately my 25 years in the field of world politics will not allow me to be that optimistic about it.

Senator McCUMBER. Japan signs another agreement; that is, she agrees to reach these things in the "prescription of open, just, and honorable relations between nations." Would it be an honorable relation between China and Japan if Japan would say, "We will turn this over in 99 years?"

Mr. MILLARD. I would not consider it honorable.

Senator McCUMBER. Do you think that Great Britain or the United States or any civilized country would think that that was an honorable response to her treaty obligations?

Mr. MILLARD. I do not think they would; no, sir.

Senator McCUMBER. Now, take it on the other hand. Suppose Japan is out of this entirely, and does not sign it. She then is not bound by this treaty, but she is bound by what she may consider as an honorable obligation between herself and China. Do you think she would ever let go of Shantung under those conditions?

Mr. MILLARD. I do not think so, and I do not think she has any intention any time under the present circumstances of letting go of Shantung except as circumstances may compel her to do so.

Senator McCUMBER. But you are quite certain she would not if there was no influence of any other nation to bear upon her to compel her to do so?

Mr. MILLARD. I am quite certain of it, and I am quite certain that the whole diplomacy may neutralize the forces that would compel her.

Senator McCUMBER. And if she does not sign this treaty, there is no obligation on the part of other countries to compel her to let go in China?

Mr. MILLARD. Yes; she is still signed up in the Root-Takahira agreement.

Senator McCUMBER. That is to maintain the open door?

Mr. MILLARD. Yes; and the integrity of China, specifically mentioned in all of them.

Senator McCUMBER. Suppose she does not sign this and says "I will hold on to Shantung and turn it over when we get good and ready." What are we going to do about it?

Mr. MILLARD. I do not know. I am not the Government of the United States.

Senator McCUMBER. You know something about the Government of the United States, and under our policy we would hardly reach over to China and defend China against Japan?

Mr. MILLARD. I think under certain circumstances we might well have to.

Senator McCUMBER. Do you think we ought to extend our Monroe doctrine to China?

Mr. MILLARD. We do not need to. We have the identical doctrine in the Hay doctrine.

Senator McCUMBER. You think we have a Monroe doctrine in China?

Mr. MILLARD. Exactly.

Senator McCUMBER. Then our Monroe doctrine, according to your view, is not a doctrine that refers only to the Western Hemisphere, but a doctrine that has been extended by the United States until it covers the Eastern Hemisphere?

Mr. MILLARD. As it is in effect there it is called the Hay doctrine, not the Monroe doctrine.

Senator McCUMBER. Only a difference in name?

Mr. MILLARD. Yes, sir.

Senator McCUMBER. And therefore it would be perfectly proper for us to interfere in China's affairs even though not proper to interfere in European affairs?

Mr. MILLARD. I would never put it that way.

Senator McCUMBER. Put it in the way you would like to have it in the record.

Mr. MILLARD. Here is the exact situation that may arise. In the history of our relations with China, just as with Japan, we have dealt with each nation separately as an independent nation. We have based all our diplomatic relations, with them and all our treaties with them, on the fact that each nation was an independent nation acting for itself and was in a position to maintain that position. Now, for instance, treaties with China established the position of Americans and the relations that exist between us and China. Those are treaties made between us and China. When they were made we did not call in Japan, Great Britain, or anyone. We made them direct with China.

Senator McCUMBER. Whereby we agreed to protect China's territory?

Mr. MILLARD. I am talking about our rights—how they came into this thing.

Senator McCUMBER. All right.

Mr. MILLARD. Now then, among those treaties, for instance, we have certain very favorable clauses. We have the right to trade anywhere in China on the same terms and conditions that other nations have. With respect to any other matters we have all those rights under the treaties with China. Now, let us say that outside of that a third power comes in and denies us those rights, takes action which is tantamount to a special and practical denial of those rights. We naturally as between our treaties go to China for satisfaction. We have no other nation to go to. We do not recognize any other nation in relation to the matter, but we take the matter up diplomatically with China and say, "Why is it that Smith & Co. can not go over here and make a contract with this municipality for an electric-lighting plant?" She comes along and says, "We have no objection, but Japan says we can not." We turn around and say to Japan, "What are you butting in here for?" We are not fighting for China's rights there, but our own.

Senator McCUMBER. But the only thing that we have agreed with China is that on the theory of the open-door policy we shall have the same commercial rights of the most favored nation.

Mr. MILLARD. Yes; we have such a treaty.

Senator McCUMBER. Suppose that Japan does not interfere with that in any way, and she says she will not interfere with it, and

suppose that she does not interfere with it, but at the same time she deprives China of her sovereignty over a portion of Chinese territory. Will we have to go to war to help China out?

Mr. MILLARD. I think that would largely depend on the mentality and the character of the man who happened to be president of the United States.

Senator MCCUMBER. Do you think the American people would want to go to war to see that Japan did not get control over any portion of China and to protect our commercial interests in China?

Mr. MILLARD. At this moment if you were to put it to the American people they would say no, just as six years ago they would have said no to sending millions of troops to Europe and spending billions of dollars there.

Senator MCCUMBER. They would have continued to say that if they had not stepped on our toes.

Mr. MILLARD. That is what will happen in this case, and that is what I can not make clear.

Senator MCCUMBER. I am assuming that it has not happened.

Mr. MILLARD. If it does not happen—our whole character as a Nation of course is that we are not seeking trouble and will not go to war.

Senator MCCUMBER. We have not interfered in Korea.

Mr. MILLARD. No.

Senator MCCUMBER. Nor in Manchuria.

Mr. MILLARD. Have not as yet.

Senator MCCUMBER. What reason would you give that we will not interfere in Shantung?

Mr. MILLARD. There are a great many people that will fight a different stages of provocation. Take the provocation that Germany gave us leading up to our declaration of war. Many people thought that the first provocation was sufficient for us to go to war, but a majority of people thought it was not. And then others thought that when the second provocation came along that that was sufficient provocation, and so on. The thing becomes cumulative. Now in regard to this far eastern question, the way it shapes itself in my mind after 20 years of study of it is that the thing that we have declared over and over again is that the territorial integrity and the political autonomy of China is ultimately in the last analysis sacred to our opinions and out institutions.

That comes up in the question that is returnable to the American people or to the man who at the time happens to be President; it may be 10 or 20 years from now. Then, I say, if that question comes to them in that form, they will say, "We will fight;" and I do not care whether it is in China or at the North Pole, if we recognize that as so, we will fight. That is what I say.

Senator MCCUMBER. In other words, you consider that we will extend our Monroe doctrine to China and will fight to maintain the Monroe doctrine on the assumption that it is necessary in our national life?

Mr. MILLARD. That it is necessary for our national security and our institutions, and for those institutions throughout the world; yes, that is my belief.

Senator BRANDEGEE. Mr. Chairman, I am compelled to leave the room in a little while. Will you allow me to ask one question before I go?

Senator McCUMBER. Certainly.

Senator BRANDEGEE. The Senator from North Dakota asked whether, if our commercial rights in China were jeopardized, we would be justified in fighting.

Senator McCUMBER. If they were not.

Senator BRANDEGEE. Or if they were not, if we would be justified. I call your attention, in the hearings before this committee, to the following matter in the letter of Secretary Lansing to Viscount Ishii—and this matter is duplicated in the letter of Viscount Ishii to Secretary Lansing:

> Moreover, they mutually declare that they are opposed to the acquisition by any government of any special rights or privileges that would affect the independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

They declare—Japan declares—that it is opposed to the acquisition by any government of any special rights or privileges that would affect the independence or the territorial integrity of China.

Mr. MILLARD. Yes.

Senator BRANDEGEE. If such an agreement was made by any nation, what do you think about the possibility of our being justified in intervening, or doing something to stop the violation of the territorial integrity of China?

Mr. MILLARD. In speaking of possibilities of armed conflict between nations, it is very difficult to deal with them as abstractions. That is not the way wars come up, as a matter of fact. Now, of course, to read these various declarations of governments you would think they were all in harmony and that they all agree; consequently, that there is no danger, where all agree. That is not the way the thing works. These governments sign up these things, some of them like a lot of sharpers would, with the full intention of gaining a certain point and then working it around into something else.

If they would stick to their statements, this eastern question would have been solved 20 years ago, which amounts to the extension of the Monroe doctrine to Asia. They have all agreed to that. The devil of it is that they do not stick to them, and that leads to trouble; and that goes on. You gentlemen sit here and carry your minds back 20 years, and you see this Japanese situation creep up on us inch by inch, and inch by inch; and it is creeping on further, just like the German situation crept up on Europe, and you are going to have to meet this thing. You are not going to be able to meet that with words, but when you meet that issue it will come to you in such a form that the American people would fight for it, it does not make any difference if it was at the North Pole.

Senator McCUMBER. You think, then, that the American people would make war if their treaty obligations—that is, the treaty rights—are maintained for commercial rights of China, and if Japan claims that she does not deprive China of her territorial integrity, although she has certain concessions, she would still go to war to compel these concessions being carried out?

Mr. MILLARD. If you would just state that in an auditorium before any number of Americans, in the abstract, they would have to agree with you.

Senator McCUMBER. Yes; I am asking you this question——

Mr. MILLARD. No; but it will not come up that way, Senator.

Senator McCUMBER. I was asking you what you would do.

Mr. MILLARD. Stating it in that form, I mean to me, you are stating a set of facts under which I would not go to war, myself; I mean, if the thing was genuine. If there was a genuine respect for these things I would not go to war, myself. The point is, that that is not the way we have got the thing to deal with. Here is the way this thing will come up on us, and we will get sucked in just like we were into this thing in Europe: If we are not very careful, and that is one reason I am so anxious to see the Senator make some kind of a disclaimer that will straighten us out in the eyes of the Chinese people, that we do not approve of this Shantung question. This has caused a lot of revulsion of these Chinese, and there are 400,000,000 of them. There are 900,000,000 of these Asiatics, and I am more or less familiar with the psycology of Asiatics, having lived among them for years, and I say if we ever get into a fight about China you are not going to have anything to say about it at all because when it comes to a certain point where you feel yourself sucked in, the way we were into the German things in Europe, we will not be able to help ourselves. This is the way the people out there think about it. It will start, perhaps, in the form of a fight between Chinese and Japanese. The Japanese have got that country plastered with what they call their agents for wawakure. A Japanese will go up into a little remote town up in the middle of China and open a little barber shop or store, and go ahead and stay there and peddle and trade. Some day, working around among the Chinese, this fellow's shop will be burned down. That will create an incident. A mob will form and something of that sort will happen. Japan goes in there and interferes, and this thing spreads and they have a condition of turmoil; they get to fighting among themselves. What happens? The Chinese have learned a good deal in the last few years about war psycology and the minute that thing starts the Chinese will begin to kill American missionaries around all over China, if for no other purpose than to force us into this war, and we will then be in the position of either having to sit back and throw up our hands and depend on some friend of ours to protect us, or of having to take some action to protect ourselves, and one thing will lead to another, just like in this thing in Europe, and we will be sucked into it. It is apt to come up in the following manner when it comes up. Something like this will happen.

Senator MCCUMBER. This is what I wanted to know. I think I understand you pretty well. So far as Chinese matters are concerned you do not believe that this country should occupy a situation of isolation to the extent that she would not take any part in Chinese difficulties and the settling of Chinese questions in preventing war in China, if possible?

Mr. MILLARD. We have to, Senator.

Senator MCCUMBER. We have to?

Mr. MILLARD. Yes; we can not help ourselves. It is not a question of wanting to keep out of it. We can not help ourselves. That is the way I think about it.

Senator MCCUMBER. And you believe, from what you know of the situation there, that we ought not to take a situation in which we say we will be drawn into your squabbles and questions?

Mr. MILLARD. Here is the way it looks to me. I have been watching these Orientals for years. I know their psychology. I

have got Asiatics that work for me as writers, graduates of Oxford and Cambridge and of American universities, etc. In the Japanese and China, however, you have just got another Germany. Piece by piece, it fits with the same purposes. With China you have got a big, lumbering democracy. The Chinese are distinctly democratic, to the very essence and to the very core. Looking to the future, this thing shapes itself something like this: Are we going to have another autocratic power, another Germany, under the hegemony of these Japanese; are we going to have these 900,000,000 Asiatics trained and armed and directed against us; to develop this thing there and create this very thing that Germany was going to create in Europe; and are we just letting this creep on and creep on, and we are just letting them build this up and get another little place here; to raise a dust here when what they want is something over there; and so build this thing up. That is what they are doing on us. I have watched that for 20 years.

Senator McCUMBER. And you would stop it with war, would you not?

Mr. MILLARD. If it gets to the place where we can not stop it in any other way, then we must fight.

Senator McCUMBER. That is the way you think we should have stopped the encroachment of Germany?

Mr. MILLARD. We did not stop it. They want everything we can think of.

Senator McCUMBER. But you think we should have stopped the encroachments of Germany by war?

Mr. MILLARD. Yes; we can not get back to where we were on that thing; but we have the same thing developing out there now, and I say that we should try to head it off if we can and not let it go on to a point where we can not control it, and we will simply be sucked into a great conflict out there, in spite of us.

Senator McCUMBER. If you could do it by alliances with the great white nations, you would do it?

Mr. MILLARD. I think this thing can be fixed without danger and without a scrap of alteration in the treaty.

Senator McCUMBER. Entangling alliances would not affect you, would they?

Senator SWANSON. What is your suggestion about it?

Mr. MILLARD. The President has brought over here, tacked on as a sort of a supplement to the treaty, a covenant, a proposed alliance—it amounts to that whether you call it so or not—between Great Britain and France and the United States, and the purpose of it stripped right down to the bone is to sustain a certain balance of power in Europe during an indeterminate period. Now, I am not saying that anything the Senate can do or does not do will of necessity prevent the thing that I fear happening in the Far East. I do say this, that the Senate may take action in respect to this thing, the tendencies of which would be to retard such an unfortunate consummation out there; or if we ultimately do have to get into a fight on this thing, we will have the general psychology of the situation and the general alignment with us instead of against us. With that, all you would have to do would be to write a clause into this alliance. I do not know what you intend to do with that alliance, whether you are going to throw it out altogether or not, but the whole thing,

the treaty and the covenant and everything else, is very wobbly, unless you put that spike in it, I can see that.

There is another thing. Japan does not want to put anything in writing, but they come over here and they do not trust Mr. Wilson's memory whether we are coming to the support of France. They want us down in black and white. When you get this thing up close you see that they have certain concessions in regard to the Hay doctrine which they have all in writing adhered to; that if it is threatened, or anything like that, they will stand with us.

Senator BORAH. That is, that France will.

Mr. MILLARD. France and Great Britain.

Senator BORAH. Yes.

Mr. MILLARD. Then you will align the whole psychology of this thing. You leave it in the shape, then, in which these Japs will carry it on, building up combinations, and you create a different set of combinations, also and they will say, "Well, yes, I guess maybe we can not get away with this," and you alter their psychology, and their governments will alter their policy. That is the way this world policy goes. It is done just like your Senate politics is done. They do not run this thing on a lofty and theoretical basis.

Senator MCCUMBER. Mr. Millard, we have got somewhat far afield from the purpose of my inquiries.

Senator BORAH. Mr. McCumber does not want you to talk about Senate politics.

Senator MCCUMBER. Let us get back to the agreement, and see what effect of the alliance will have.

Mr. MILLARD. I beg your pardon for digressing.

Senator MCCUMBER. I believe that on certain things we have in black and white from Japan that she will return Shantung to China.

Mr. MILLARD. But not when.

Senator MCCUMBER. But not when; and also we have notice that she will live up to her treaty obligations.

Mr. MILLARD. That is the assumption of every contract.

Senator MCCUMBER. She makes that with all of these nations, not only with China but she makes that last agreement with every one of these nations. Now, if she refuses to carry out her agreement with China, she has broken her obligation there?

Mr. MILLARD. I would say so, most emphatically.

Senator MCCUMBER. Then she has also broken her treaty with these other nations?

Mr. MILLARD. Yes, sir; she would have done so.

Senator MCCUMBER. She would have broken her treaty with these other nations; just what would happen?

Mr. MILLARD. I could not tell. I would have to know exactly the circumstances as to how the thing came up.

Senator MCCUMBER. Then the matter would be brought before the council, would it not?

Mr. MILLARD. Yes, presumably.

Senator MCCUMBER. Then the council would at least attempt to get a settlement, would they?

Mr. MILLARD. Presumably.

Senator MCCUMBER. And they would attempt to get a settlement along the line of keeping her treaty obligations?

Mr. MILLARD. Exactly; I mean——

Senator McCUMBER. Do you not think, if we have the United States and Great Britain and France and Italy all pressing Japan to keep her obligations, that she makes in this treaty, and to prevent war with China, it would be a wholesome influence?

Mr. MILLARD. Yes; if you had that combination you could make Japan keep her promises.

Senator McCUMBER. Yes; but you have the combination of this treaty, in general terms. I am very much afraid that in behind that you have a combination that will work exactly to the contrary.

Senator McCUMBER. That may be a conclusion and others may agree to it, but I am assuming that she is going to carry out this contract honestly; that these nations are entering into it with an honest purpose, and that if China comes to this alliance, to this council, and says, "Japan in said treaty with me agreed to return Shantung, and I now demand that she will return it, and if she does not return it I will make war," then there is a threat of war, and then it goes before the council and then the council will say to Japan, "There is your written agreement. Are you going to break both your agreement with China and your agreement with us to keep your agreement with China?" Would not Japan then be made an outlaw nation under the very terms of that agreement, if she did not comply?

Mr. MILLARD. Yes; theoretically she would; but she could say, "You fellows can all go to hell; I will fight," and you will probably find then that all these nations that are aligned with us would fall off and decide that it was none of their business.

Senator McCUMBER. In other words, you assume that the league of nations would fail and that all of them would fail to perform their duties under the league of nations?

Mr. MILLARD. Under those circumstances, that they all had a lot of regional understandings that would control, it at least certainly would fail.

Senator McCUMBER. But any regional understanding to control is vacated by the very terms of this agreement.

Mr. MILLARD. Yes.

Senator JOHNSON of California. We have heard about how they have been vacated heretofore.

Mr. MILLARD. That would be an abstract assumption about it. I would state that if you state it that way, that would be correct; but you will see there always comes up the possibility that other people will construe this thing differently.

Senator McCUMBER. I am only considering whether China would be in a better position if she had the United States and Great Britain and France and Italy and Japan signing up an agreement that Japan will keep her agreement—whether she would be in a better position to secure her rights than she would be in if we would turn her over to the tender mercies of Japan without any agreement.

Mr. MILLARD. You would not turn her over to the tender mercies of Japan. She already had all these assurances of Japan about getting out of Shantung, and one thing and another, before the Paris conference met.

Senator McCUMBER. But you are assuming that Japan will not keep her word.

Mr. MILLARD. Japan might just as well not have gone into the conference, and this issue will move along in a practical way very much as if there had been no such thing as the peace conference.

Senator MCCUMBER. But Japan can not turn that over to China to-day because Japan only gets this Shantung right under this treaty, and the treaty has not been signed. After the treaty has been signed and Japan secures the right and the cession from Germany, then she will be in position to turn Shantung back, and then if she refuses she has broken her treaty.

Mr. MILLARD. As a matter of fact Japan could, if she wished to, to-morrow—or she could have done it ever since they have occupied Tsingtau—get up and get out and say to China, "Here it is."

Senator MCCUMBER. But she could not transfer the German rights until she got them.

Senator BORAH. They are all forfeited.

Mr. MILLARD. In regard to those German rights, our position in this war was like that of a neutral until the war began.

Senator MCCUMBER. But Germany did get a right in Shantung.

Mr. MILLARD. Yes.

Senator MCCUMBER. And that right will exist until Germany has been deprived of that right, and Germany must be deprived of that right by some kind of written agreement.

Mr. MILLARD. Germany, for the purposes of an abstract argument, was deprived of that right absolutely on the day that Japan declared war on her.

Senator MCCUMBER. She was also deprived of it when she signed the treaty depriving her of it.

Mr. MILLARD. She was deprived of it on the day that Japan declared war on Germany and declared all Germany's rights forfeited.

Senator POMERENE. Was it not forfeited when Germany declared war, and that she should acquire property by the declarance——

Mr. MILLARD. I am not enough of a lawyer to decide that, but there are two kinds of rights in Shantung that Germany had. One was a territorial right, but more important, so far as commerce goes, were the economic rights. When you come down to the economic rights, there in Shantung it is as if, while we were still a neutral, some third power should come over here, and there was some corporation in New Jersey which was a German concern in which Germans owned half or more of the stock, and one of the belligerents had grabbed that, and proceeded to put their troops in there. That is what the Japanese did in Shantung Province, all over that Province. Here was a coal mine, we will say, 200 miles away from Tsing-tau, in which the Germans, being technical men, and supplying the machinery, were operating the coal mine in partnership with the Chinese, and they just walked in there and took possession of it; and now they expect to retain control of all of it.

Senator MCCUMBER. I shall have to leave in just a moment, and I want to ask you a question on another subject before I go. I ask this simply for information. What did China do in the matter of this war? She declared war on Germany?

Mr. MILLARD. Yes.

Senator MCCUMBER. But what did she do under it? She furnished no soldiers, did she?

Mr. MILLARD. No, sir; she wanted to.

Senator McCUMBER. She furnished laborers for France, did she not?

Mr. MILLARD. She furnished some 200,000 to 250,000 laborers.

Senator McCUMBER. Did they go simply under the instructions of the Chinese Government to go there?

Mr. MILLARD. No.

Senator McCUMBER. Or did France simply allow them to go in for the wages they could receive for foreign labor there?

Mr. MILLARD. No; it was a question of wages. The people received wages. But you could not go in and take 250,000 of that population. Most of these fellows came from Shantung, by the way. China agreed to it.

Senator McCUMBER. Was it done under a military order of China?

Mr. MILLARD. It was done by the consent of the Chinese Government.

Senator McCUMBER. In other words, she consented that her citizens might go to France?

Mr. MILLARD. Yes; and as you may know, on two or three occasions these Chinese laborers actually fought, at the time the Germans were running over things; they picked up what arms they could get and fought, and thousands of them died, were killed and wounded, although they were not trained soldiers, at all.

Here was the proposition. France needed man-power. The French even sent a military mission to Peking and made a plan whereby China would contribute so many troops. At different times they tried to get Japan to send troops, but they could not get her to do it. She always asked such compensation, in various ways, that they could not do it. They wanted to get Chinese, and the Chinese were very willing to go. They could not finance themselves. We had to finance Italy and all. If we had sent the money, a couple of million dollars, the Chinese would have sent three of four hundred thousand troops.

Senator McCUMBER. Did China send any troops or assist financially in any way, or with supplies?

Mr. MILLARD. They bought about $2,000,000 worth of Liberty bonds. I never heard of anybody in Japan buying any.

Senator MOSES. These Chinese laborers that went to France released a lot of men for active fighting?

Mr. MILLARD. Yes, they did.

Senator HITCHCOCK. You know that Japan has invested in a lot of Liberty bonds, do you not?

Mr. MILLARD. No, I do not know. This thing in China was a popular subscription.

Senator HITCHCOCK. Japan has purchased a lot of war securities.

Senator BRANDEGEE. You mean the Japanese Government?

Senator HITCHCOCK. Yes; the Government.

Mr. MILLARD. In China they got up a Liberty loan drive in Shanghai, and the Chinese came up and subscribed liberally. The Chinaman never before in the world could have been gotten to put his money in any foreign investment.

Senator HITCHCOCK. Were you in the Far East at the time the trouble occurred over Korea?

Mr. MILLARD. I do not know what trouble you refer to now, Senator.

Senator HITCHCOCK. The first aggression of Japan in Korea?

Mr. MILLARD. Of course the first aggression of Japan in Korea occurred away back in 1894, in the Japan and China War. I was not in the Far East at that time. I was in the Far East as a newspaper correspondent during the whole of the Japanese-Chinese War and then I have been in Korea three or four times since that time.

Senator HITCHCOCK. Was that the time they were making their grab in Korea?

Mr. MILLARD. They had seized Korea at that time. They seized it on the theory of protecting Korean independence, and the rest was simply the different phases of their absorption until they got possession of the entire country.

Senator HITCHCOCK. Do you remember the appeal that the Korean Emperor made to the United States?

Mr. MILLARD. Not in a very definite way. I recollect it.

Senator HITCHCOCK. Do you remember the effort to seek asylum in the legation of the United States?

Mr. MILLARD. Yes; I remember that.

Senator HITCHCOCK. Do you recall the terms of the treaty we made with Korea in 1892 by which we agreed to exert out good offices for the benefit of the Korean Government in the event that it was imposed upon in any way?

Mr. MILLARD. Yes, I do. I have had a lot of Koreans throw that up to me.

Senator HITCHCOCK. Did the United States ever do anything toward carrying out that agreement?

Mr. MILLARD. I think, quite on the contrary, that they rather lent themselves to the other hypothesis.

Senator HITCHCOCK. That is, helped the Japanese?

Mr. MILLARD. Yes.

Senator HITCHCOCK. I will just insert in the record at this point that part of article 1 of our treaty with Korea which reads as follows:

If other powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the act, to bring about an amicable arrangement, thus showing their friendly feeling.

You think that the United States, when appealed to by the Korean Emperor, did not do anything to carry out that promise?

Mr. MILLARD. I do not think that it did anything at all. In fact, I am quite sure they did not.

Senator HITCHCOCK. Were you familiar, at all, with the action of our minister who at that time was located in Seoul, representing the United States, when he was appealed to by the Korean Emperor to make good on this promise?

Mr. MILLARD. I was not there then. I read and heard something of what occurred.

Senator HITCHCOCK. Did you ever hear of this telegram which was sent by our minister, Mr. Harris M. Allen, to Mr. John Hay, then Secretary of State, reading as follows:

SEOUL, KOREA, *February 21, 1904.*

Hon. JOHN HAY,
Secretary of State, Washington.

SIR: I have the honor to confirm my telegram of to-day as follows: "Had an audience with the head of Government of Korea last night. He informed me Japanese minister opposed to making alliance whereby in return for the protection of Korea Japan will have control. The document promised me has not arrived. Head of Government of Korea is very anxious to secure the assistance of the United States. I have pacified him without any promises, and refused any asylum."

I have the honor, to be, sir, your obediant servant,

HARRIS M. ALLEN.

Mr. MILLARD. Yes; I have seen a copy of that telegram before.

Senator HITCHCOCK. Yes.

Mr. MILLARD. In fact, I was shown all of that matter by Mr. Allen himself within a few months, as I recall it.

Senator HITCHCOCK. Then, were you familiar with the story of how the Japanese representative in Seoul was attempting to force the Korean Emperor to sign this decree giving full power to the Japanese?

Mr. MILLARD. In two of my books I devoted quite a number of chapters to information about those events.

Senator HITCHCOCK. And how the Korean minister sought to escape from him and appealed to the American minister to let him enter the American legation.

Mr. MILLARD. Yes.

Senator HITCHCOCK. And how the American minister sent representatives to the fence and prohibited the Korean minister from even being able to escape from the Japanese by entering the American legation.

Mr. MILLARD. Yes, I recollect those things.

Senator HITCHCOCK. Who was Secretary of State at that time?

Mr. MILLARD. I would have to think.

Senator HITCHCOCK. Mr. John Hay?

Mr. MILLARD. Yes.

Senator HITCHCOCK. Who was President of the United States at that time?

Mr. MILLARD. I would have to think about that. I guess it must have been Mr. Roosevelt.

Senator BRANDEGEE. In what year?

Senator HITCHCOCK. In 1904.

Senator MOSES. May I interrogate the Senator from Nebraska about the purpose of his inquiry? That has been done here before.

Senator HITCHCOCK. Part of the purpose of the inquiry is to show that even when bound by a treaty the United States has refused to come to the assistance of an Oriental power against Japan.

Senator MOSES. The purpose being to show that the United States did not live up to its treaty obligations?

Senator HITCHCOCK. Yes.

Senator MOSES. And from that you argue that therefore Japan will live up to its treaty obligations?

Senator HITCHCOCK. No; but to argue that all these tears that are being shed over the woes of China are crocodile tears, because they are being shed by men associated with the same people who laud John Hay as a great American statesman who always protected the rights of those with whom he had contracted.

Senator JOHNSON of California. I do not know anything about those who laud John Hay, but——

Senator HITCHCOCK. He was lauded on the floor the other day.

Senator JOHNSON of California. But I do know there are no crocodile tears being shed over the Shantung matter. What I say in regard to it is that it presents a moral question, that it is up to us to determine for ourselves, not up to John Hay or any Secretary of State.

Senator MOSES. Nor any other dead man.

Senator JOHNSON of California. It is up to us to determine what we will do on a moral question; and when we come to a moral question

like Shantung I know that I shall not shelter myself behind any wrong that may have been done in the past, nor any action, whatever it it may have been, of any official of the United States in the past. I will meet that moral question and decide it as I think a moral question ought to be decided. Now, I do not know whether the United States Senate ever had anything to do with the Korean question or not, but the United States Senate to-day has to do with the Shantung decision; and so when you endeavor to escape responsibility for a decision in the Shantung question because some official in the past may have done wrong in respect to some other question, you are seeking hypocritically simply to escape a bounden duty that rests upon the human beings before whom that moral question comes to-day.

Now, Mr. Millard, I want to ask you a question or two, in response to Senator McCumber. Are you familiar with these provisions in relation to Shantung in the treaty?

Mr. MILLARD. I read them several times; yes.

Senator JOHNSON of California. Before this peace conference in Paris all the nations of the earth were assembled, deciding territorial questions. Before them came Japan and China, the United States, Italy, Great Britain, France, and others. Definitively, at that time, with all the evidence before them, they decided the Shantung question by sections 156 and 157, did they not?

Mr. MILLARD. Yes; they did.

Senator JOHNSON of California. Now, would it not seem to follow, then, that that definitive determination by all the nations of the earth, with all of the previous acts and treaties before them, decided everything concerning Shantung finally at that time?

Mr. MILLARD. I would say that a certain presumption to that effect would lie; and furthermore I would like to say this, perhaps you noticed it: In finally leaving Paris the Japanese peace delegation, through its mouthpiece, Baron Makino, gave out a sort of statement in which he said officially that Japan regarded the way the Shantung question was settled before the peace conference as a general indorsement of Japan's policy in the Orient.

Senator JOHNSON of California. Of necessity, that is so, is it not, because they had before them the Chinese statement and the Chinese treaty?

Mr. MILLARD. He gave that out as an official statement. That was his validictory you might say upon leaving Paris.

Senator JOHNSON of California. So that the Shantung decision rests upon a definitive agreement, and the indefinite verbal promise of Japan that at some indefinite period in the future something will be returned.

Mr. MILLARD. All the gentlemen who have rank as international lawyers, to whom I have submitted the question, say that that is the status.

Senator JOHNSON of California. That is all.

Senator BRANDEGEE. Mr. Chairman, I should like to ask some questions.

The CHAIRMAN. The Senator from Connecticut.

Senator BRANDEGEE. I understood you to say this morning that when Japan entered upon the possession of Shantung she practically overran the whole Province.

Mr. MILLARD. She did, sir; yes.

Senator BRANDEGEE. Including the railroad, up to the capital of the Province.

Mr. MILLARD. Yes. A city called Tsinan, or, as the Chinese write it, Tsi-nan-pou, but pou means capital or great city.

Senator BRANDEGEE. I understood you also to say that they assumed control of the civil government.

Mr. MILLARD. That was later. First, on the theory of military necessity, they went clear outside of the comparatively small territory which had been leased to Germany, and sent their troops all over the Province and occupied the principal places, and everywhere they did that they would string a field military telegraph, and would establish telegraph and post offices, and all those things are still there to-day.

Senator BRANDEGEE. Do you consider that a violation of the territorial integrity of China?

Mr. MILLARD. I would say absolutely that it is a violation of territory and an invasion, where that set of circumstances would arise.

Senator BRANDEGEE. Do you consider it an invasion of the sovereignty of China for Japan to come in there and assume control of the civil government of the Province?

Mr. MILLARD. Yes. In regard to the civil government, that status that I am describing established Japan throughout the Province. They would send their troops into a certain district where there had been some little coal mine that the Chinese had hired some German engineer or somebody to get the coal out of, and under the presumption that there was a German equity in it somewhere they would go off the railroad over to this district and grab that property. Then they would send a few hundred troops in there and string a military wire, a military telephone system for communication, and the next thing you would find a Japanese post office, and the next thing there would be a Japanese drug shop with which they distributed their opium and other things throughout the country, and you would find a Japanese house of prostitution and all those other things, a little Japanese settlement would grow up there. After that thing had gone on for a couple of years, and they had the whole Province pretty well placed, then they foresaw a time when the war would end and when the excuse of military necessity would not hold good. So then they invented a kind of substitute and began a substituting process by which there would be gradually substituted a civil administration in the Province instead of the military occupation, with its presumed military necessity. There was no more military necessity for it than there would have been for the Japanese occupation of California, but that was the excuse, and of course with the termination of the war that would end even as an excuse, so they set out to create a so-called civil administration.

They began it tentatively like they always do, by establishing it in three different localities. There had been a military commandant at each of those places. So they substituted a civil administrator there, and creating a little court along with him. Now, that was a direct infringement, not only upon the Chinese sovereignty, but upon the treaty rights of all other nations, because they extorted the extraterritoriality from China under certain circumstances, under which China does certain things and the foreigners will do certain things, and the foreigners will reside in certain localities. If they go out of those localities, at least under certain conditions, by reason of those

things they retain their extraterritorial jurisdiction. That is, if a foreigner commits an offense, he can be haled before his own consul, or something like that. So, when the Japanese would go out into these places and establish a civil administration, that merely meant that if a Japanese committed any offense he could not be haled before a Chinese court but he would be brought before a Japanese court, which would simply release the man. They worked that all over the province.

Senator SWANSON. In your last book, Democracy and the East, I received the impression that you stated in that book that the Japanese had the right of extraterritorial jurisdiction for the entire Chinese Empire. Is that true?

Mr. MILLARD. No; their status under the treaty is exactly the same as ours.

Senator SWANSON. But the impression I derived in reading that book was that by some process the Chinese had given or the Japanese had taken the right of extraterritorial jurisdiction on all differences with the Chinese Empire. Is that true?

Mr. MILLARD. Not quite. I must have stated it quite obscurely if you got that impression, They have done it wherever they have obtained a foothold. They have done it in Manchuria and Shantung. They have done it in different parts of China. They claimed that Fu-kien Province is within their sphere on account of its proximity to Formosa, and that is just a criterion of their methods for the rest of the country, which amounts to taking political possession of it by those methods.

Senator SWANSON. As I understand them, they have no greater rights by treaty than the other nations have as to extraterritorial jurisdiction.

Mr. MILLARD. None whatever. Their rights by treaty are the same as ours. We would have just the same rights at any time in this war, while China was neutral, or since, to have sent a bunch of American marines over into Shantung Province and grabbed coal mines and strung telegraph wires there, or anything else, just as Japan has done.

Senator SWANSON. I got that impression from your book, and I looked to see if there were any treaties in the appendix, but I did not find any. So you say it is simply limited to where they have military occupation, like Shantung and Formosa.

Mr. MILLARD. Yes; and they saw that the end of the war would end that, and they have created a substitute for it in the form of civil administration.

Senator BRANDEGEE. At what points has Japan established herself in China?

Mr. MILLARD. Over three Manchurian Provinces and what is called Outer Mongolia. The distinction between Outer and Inner Mongolia was never heard of until Russia and Japan split it up that way by a secret treaty and invented those distinctions to define what was Japan's part and what was Russia's part, and then through this process down there in Fukien Province. That is down there by Amoy.

The revolution in China began in 1911, and the first outbreak occurred away up there on the Yangtse River, at Wu-chang, opposite Hankow, and there was a good deal of disorder. The government troops were on the north bank of the river and the rebels were on the south bank, and shells and bullets fell around the settlement,

before the government went up there to protect foreign concessions. Japan took advantage of that period of disorder to send a lot of troops up there, and then she just deliberately went over there and took a piece of ground right outside of the foreign settlement of Hankow, and built big permanent barracks there, and has kept a garrison there ever since, and China can not get them out.

Senator BRANDEGEE. In what province is that?

Mr. MILLARD. That must be in the Province of Hupeh. It is right up there at Hankow. Hankow bears about the same relation to China that Chicago does to the United States. It is the great interior city of China, with 3,000,000 people there.

Senator BRANDEGEE. What other Provinces does Japan occupy?

Mr. MILLARD. Every time I go to China I find she has done a lot more things. In the last two years she has gone out, and by this process of penetration she will go off into some little Province up there and bribe some local official, or in some way get some kind of a concession out of him—maybe to mine some minerals in the district, or something of that kind—and in that way establish some sort of a presumption of Japanese vested interest in something or other.

Senator BRANDEGEE. Does she send her troops in there?

Mr. MILLARD. Then the first thing you know there will be half a dozen Japanese soldiers who will drift in from nowhere. You will hardly know how they came there. You will wake up some morning and find them there, supposedly there to protect this vested interest, and that is the way it is done. Then some fine day some of the other foreign consular agents wake up and find the soldiers there, and they say, "What are these Japanese soldiers doing here?" And the Chinese say, "We don't know how they got here. We woke up one morning and found them there." Then they go and make representations to the Japanese consul, and they say, "What are those fellows there for? They have no right there." Then they will make some excuse and say, "Oh, they are here temporarily," and they dawdle along, and the next time, where there were 6 there will be 50 more, and then a little later they will have barracks built, and there will be 200. You would have to check up those things every three months in order to catch up with them.

Senator BRANDEGEE. To revert to an inquiry that Senator McCumber made of you a little while ago, as to the effectiveness of the league of nations if the covenant should be ratified, as to being an effective guaranty that Japan would perform its treaties or the stipulations made in a note to abandon the sovereignty of Shantung, or to get out within a certain time. You started to say something, but was cut off and did not finish it. You expressed some doubt as to whether the league would come up to the test of protecting China, and you said that in other cases it had not been done, and that that fact could be developed by the Senate if it wanted to. Do you recall having made such a statement, and if you made it, what did you mean?

Mr. MILLARD. My 20 years' experience as a reporter of international events and politics may have made me a little cynical. I do not think I am cynical, but I do think I regard international politics from a common sense practical view. I see how the machinery works. I know how the thing runs. And here you have got this situation: As Senator Johnson said, you have had all the nations of the world assembled in a great conclave at Paris, where they were

fixing up everything on the basis of justice, and were supposed to give everything due consideration, and that was the result in regard to Shantung.

Now let us suppose this thing goes on for two or three years and China comes along some day and says, "I can not stand this any more," and some disorder starts in China and there is a flare-up, and it takes the form of an antiforeign demonstration, and they kill some missionaries, and our Government says, "Something has got to be done," and China says, "We can not let Japan go in here by herself; she will just overrun the country." And if we have any kind of international action, then we have got to go in and participate, and then China comes along and says, "I demand that the league of nations make Japan fulfill her promises and get out." She might come and make that appeal to the league of nations. Then suppose it should develop that it would get around to the point where there would have to be a matter of force. How are you going to make her get out? She could tell the league of nations to go to the devil unless you could line up certain forces that she could see could be applied to her, and the only way you could make her see that would be by making a certain alignment, and united action among enough of the principal powers to overawe her, or else fight her. You would have to have a sufficient alignment of power to overawe her. Under those circumstances our Government might take the attitude, "Japan, this is all wrong. You must straighten this thing out before the league of nations."

Then we go around among the British and French Governments, among the principal powers as the Senator who interrogated me a little while ago was speaking about; and we ask these principal powers to tell Japan that she has got to behave herself; and suppose under those circumstances the British Government should shrug its shoulders and say, "We are very sorry, but here is another secret agreement," and should pull it out on you, and France should pull out another secret agreement on you, and so forth and so on, in which secret agreements they have practically agreed in advance that Japan can get away with all this. That is just what happened to us at Paris; that is, they pulled these things on us there. That is the way the game is played. It is a practical proposition, and I say that there is circumstantial evidence that that arrangement was agreed to practically at Paris, except that my information was that the French had not committed themselves to it, because they wanted to wait to find out what conditions we might attach to this so-called alliance, to the support they want us to give them; but Pichon distinctly was in favor of it, and it is believed that the British have already really reached an agreement with Japan, one of those collateral or regional agreements on the side. Now, suppose you sign up this league of nations, or this alliance, and within say six months, or whatever time would elapse, they got the league of nations together and started to organize it; then it would seem to me that under article 21, or another article which says that treaties shall all be made public, they say. "Everybody who has got any treaties bring them out on the table and let us look them over."

Then it would seem that legally all those that are brought out under those circumstances will be valid treaties. Then when they bring out those agreements, we are signed up, we are nailed down, and we

have not any way of going back on this thing. I say, get back of it now and find out if it is true. The only hold we had over any of these nations was that they were asking us to do something. Now, what they are asking us to do is to enter into a tripartite alliance to protect the balance of power in Europe. There is a good deal to be said in favor of that in sustaining the equilibrium of the world.

Senator BRANDEGEE. You refer to the Franco-American treaty and the British-French treaty.

Mr. MILLARD. Yes. But I say, let us say to them, "Now let us make this 50-50. We went into this war blind. You did not tell us of these things, and we gave you our best. We gave you our generous help without asking any questions, and we believed that everybody would act right at the end. Now, before we go into any of these things we would like to ask you a few questions. Have you got any secret agreements that are going to infringe upon our policy in different parts of the world?" Let us say to them, "If you have got anything of that sort, put them right on the table now. Don't wait until later. Then we will see what kind of a treaty we have got." That was one line of thought that I was proposing, Senator. If they do that, they can find out these things. If you ask the President or Mr. Lansing whether they know of any such thing, they say, "No, we don't know." Let us make it a categorical interrogation, of the French and British Governments, and see what they say.

Senator BRANDEGEE. You are aware, I assume, of the construction which I understand the President and certain Senators place upon article 10 of the covenant of the league, are you not?

Mr. MILLARD. I have read a good many different statements about it.

Senator BRANDEGEE. If I understand their position correctly, they claim that when the council hears a dispute and makes recommendations, or makes recommendations as to how the treaty stipulations shall be carried out by the members of the league, their recommendations are merely advisory and not compulsory on the members of the league. You are familiar with that, are you?

Mr. MILLARD. I would not consider that my opinion about that would be worth anything.

Senator BRANDEGEE. I am not going to ask your opinion about that, but have you heard that interpretation of article 10, of the effect of such a recommendation of the council, that it would be purely advisory and not mandatory on the members of the league?

Mr. MILLARD. I have.

Senator BRANDEGEE. What effect do you think the guaranty under article 10, that we are, if we are asked to undertake to protect and preserve the territorial integrity of all the members of the league would have if Japan should understand that the recommendations of the council under that were only advisory?

Mr. MILLARD. I would think that anything that leaves a loophole by which Japan can squirm around and evade the promises that she has made about that, she will utilize in that way. So I think prudence would dictate that you leave as few loopholes as possible.

Senator BRANDEGEE. If there are loopholes there, they are there, and we are told that we can not stop them or amend them, or dot an "i" or cross a "t."

Mr. MILLARD. I do not know what the powers and prerogatives of the Senate are in respect to these things.

Senator BRANDEGEE. Well, I do; but you do not think, do you, that if the recommendation of this council that Senator McCumber was asking you about is only advisory on the members, if as you have said you do not think this recommendation would be an effective guaranty to China that Japan would perform her promise to get out of Shantung, do you think that recommendation would terrify Japan to any appreciable extent?

Mr. MILLARD. From my knowledge of the circumstances I do not think it would terrify her at all. Nothing will terrify Japan in respect to this subject unless she sees that if she does not do certain things she is coming in collision with superior forces.

Senator BRANDEGEE. Moral forces?

Mr. MILLARD. No, material forces. She does not care the snap of her fingers about any moral force, any more than Germany did.

Senator POMERENE. May I ask a question?

The CHAIRMAN. Certainly.

Senator POMERENE. This morning you said there were some 20 regional understandings affecting China.

Mr. MILLARD. I said I thought there were about that many known, yes.

Senator POMERENE. What do you mean by understandings? Do you mean secret treaties?

Mr. MILLARD. No, sir; most of them are in writing and have been published.

Senator POMERENE. Between what countries?

Mr. MILLARD. I can give you a list of them if you want them, that is a partial list. I will not say it is complete. I was looking it up the other day and I have it here. The first are the various notes and so forth constituting what they call the "Hay doctrine."

Then there is the Anglo-Japanese alliance, first signed on January 30, 1902; revised and amended August 12, 1905, and revised and renewed July, 1911.

Third, there is the Franco-Japanese arrangement, signed July 10, 1907.

Fourth is the Russo-Japan treaty of peace of September 5, 1905.

Fifth, there is the convention between Japan and Russia of July 30, 1907.

Sixth, there is the Russo-British convention of August 31, 1907.

Seventh, there are the secret Russo-Japanese alliance and agreements signed on July 7, 1907; June 21, 1910; July 4, 1910; June 25, 1912; July 8, 1912; June 20, 1916. The existence of these agreements was revealed by the publication of documents after the revolution in Russia, but the texts of all of them have not yet been published. The text of the secret alliance of 1916, made during the Great War, has been published.

Eighth, there is the Russo-British agreement of April 28, 1899.

Ninth is the agreement between Great Britain and France of January 51, 1896.

Tenth, there are the British-American agreements of September 2, 1898, and October 16, 1900.

Eleventh is the British-Chinese agreement relating to Thibet.

Twelfth is the Root-Takahira agreement between Japan and the United States of November 30, 1908.

Thirteenth is the Lansing-Ishii agreement between Japan and the United States of November 2, 1917.

Fourteenth is the secret agreement between Russia, Great Britain and France in 1915, relating to Western Asia.

Fifteenth is the secret agreement between Great Britain and France, known as the Sykes-Picot Treaty, made in 1916, relating to Western Asia.

Sixteenth are the alleged secret agreements made by Japan with various Russian factions in Siberia in 1918 and 1919.

Seventeenth is the alleged secret regional understanding relating to Asia made by Japan, France, and Great Britain in 1919.

I have 17 of them enumerated here, but I do not have with me a copy of Mr. Rockhill's treaties.

Senator POMERENE. Those are either secret treaties or an exchange of notes, are they?

Mr. MILLARD. Most of them are in the form of the exchange of notes.

Senator POMERENE. So in that respect they are not akin to the Monroe doctrine.

Mr. MILLARD. I do not know to what extent you would draw an analogy there. I would not think they were akin to the Monroe doctrine.

Senator POMERENE. Now another matter. As I recall, Count Ishii gave out a statement which was printed in the American papers here, to the effect that Japan had invited China to join her forces in fighting the German troops in the Far East in the Shantung Peninsula or Province.

Mr. MILLARD. Viscount Ishii. Do I understand you to say he stated that Japan had invited China to do so?

Senator POMERENE. Yes.

Mr. MILLARD. I think quite the contrary. As I say, she prevented China from doing so.

Senator POMERENE. In the first place, I mean.

Mr. MILLARD. In the first place.

Senator POMERENE. Before or about the time she began active military operations.

Mr. MILLARD. Absolutely the contrary of that is the fact. China proposed to enter into the operations at Kaichow, and Japan prevented her.

Senator POMERENE. So you take issue with Viscount Ishii in that?

Mr. MILLARD. If he made that statement. I do not know that he did.

Senator POMERENE. That is as I understand it.

Mr. MILLARD. I never heard it before.

Senator POMERENE. Suffice it to say that China took no part in seeking to drive the Germans out of Shantung.

Mr. MILLARD. She asked to be permitted to participate in the operations, but was not permitted.

Senator POMERENE. Was that during the period that Japan was doing the actual fighting?

Mr. MILLARD. It was before she even started to fight.

Senator POMERENE. If I understood you correctly this morning, you stated that later on Japan tried to dissuade China from severing diplomatic relations with Germany.

Mr. MILLARD. Yes; I did state that.

Senator POMERENE. With what Chinese officials were those efforts made?

Mr. MILLARD. With various people in the Wai-chow Pou and especially with the Premier of China.

Senator POMERENE. What was Japan's reason for doing that, if you know?

Mr. MILLARD. Of course I can only say that by deduction. Her reason was that Japan had twice before rejected absolute proposals for China to join the war, proposals made directly on one occasion to the ambassadors at Tokyo, saying that she did not want China to join, because under those circumstances China would be in the allied group and would have a protected position at the end of the war.

Senator POMERENE. That position would be antagonistic to the position taken both by Great Britain and France, would it not?

Senator POMERENE. With respect to China severing her diplomatic relations.

Mr. MILLARD. Yes; the attitude of the British and French legations. I suppose you are referring now to China—when China did sever relations.

Senator POMERENE. Yes.

Mr. MILLARD. The attitude of the French and British legations at that time was distinctly sympathetic to having China follow the advice of the United States.

Senator POMERENE. So that Japan at that time was, in your judgment, acting in direct antagonism to what were the interests of Great Britain and France and Italy, with which nations she had these secret treaties?

Mr. MILLARD. You see the signing of these treaties was very nearly contemporaneous with these events which we are speaking of. These negotiations in regard to the secret treaties were being conducted at a different place.

Senator POMERENE. These secret treaties were made some time in 1915, were they not?

Mr. MILLARD. In 1917, right at the very time, almost day for day, week for week, almost at that moment. Japan did not want China to do anything until she got these secret treaties signed up. That was one immediate motive. Meanwhile you have got to take various other things into consideration. That was the most precarious moment of the war for the Allies.

Senator POMERENE. And still, at that very precarious moment, you feel satisfied that Japan was trying to prevent China from severing relations with Germany.

Mr. MILLARD. Exactly. She used that very circumstance, I would say flatly, to blackmail her allies into signing these secret agreements.

Senator POMERENE. Suppose this treaty fails of confirmation, what will be the relationship existing between China and Japan with respect to Shantung?

Mr. MILLARD. It will be just what it has been at any time for the last five years.

Senator POMERENE. That is all.

If there are no further questions, Mr. Millard will be excused, and the secretary will arrange for his fees and expenses.

The committee will stand adjourned until to-morrow at 10 a. m., at the White House.

(Thereupon, at 4 o'clock and 50 minutes p. m., the committee adjourned until Tuesday, August 19, 1919, at 10 o'clock a. m., at the White House.)

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TUESDAY, AUGUST 19, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

CONFERENCE AT THE WHITE HOUSE.

The committee met at the White House at 10 o'clock a. m., pursuant to the invitation of the President, and proceeded to the East Room, where the conference was held.

Present: Hon. Woodrow Wilson, President of the United States, and the following members of the committee: Senators Lodge (chairman), McCumber, Borah, Brandegee, Fall, Knox, Harding, Johnson of California, New, Moses, Hitchcock, Williams, Swanson, Pomerene, Smith, and Pittman.

STATEMENT OF THE PRESIDENT.

The PRESIDENT. Mr. Chairman, I have taken the liberty of writing out a little statement in the hope that it might facilitate discussion by speaking directly on some points that I know have been points of controversy and upon which I thought an expression of opinion would not be unwelcome.

I am absolutely glad that the committee should have responded in this way to my intimation that I would like to be of service to it. I welcome the opportunity for a frank and full interchange of views.

I hope, too, that this conference will serve to expedite your consideration of the treaty of peace. I beg that you will pardon and indulge me if I again urge that practically the whole task of bringing the country back to normal conditions of life and industry waits upon the decision of the Senate with regard to the terms of the peace.

I venture thus again to urge my advice that the action of the Senate with regard to the treaty be taken at the earliest practicable moment because the problems with which we are face to face in the readjustment of our national life are of the most pressing and critical character, will require for their proper solution the most intimate and disinterested cooperation of all parties and all interests, and can not be postponed without manifest peril to our people and to all the national advantages we hold most dear. May I mention a few of the matters which can not be handled with intelligence until the country knows the character of the peace it is to have? I do so only by a very few samples.

The copper mines of Montana, Arizona, and Alaska, for example, are being kept open and in operation only at a great cost and loss, in part upon borrowed money; the zinc mines of Missouri, Tennessee, and Wisconsin are being operated at about one-half their capacity; the lead of Idaho, Illinois, and Missouri reaches only a portion of its

former market; there is an immediate need for cotton belting, and also for lubricating oil, which can not be met—all because the channels of trade are barred by war when there is no war. The same is true of raw cotton, of which the Central Empires alone formerly purchased nearly 4,000,000 bales. And these are only examples. There is hardly a single raw material, a single important foodstuff, a single class of manufactured goods which is not in the same case. Our full, normal profitable production waits on peace.

Our military plans of course wait upon it. We can not intelligently or wisely decide how large a naval or military force we shall maintain or what our policy with regard to military training is to be until we have peace not only, but also until we know how peace is to be sustained, whether by the arms of single nations or by the concert of all the great peoples. And there is more than that difficulty involved. The vast surplus properties of the Army include not food and clothing merely, whose sale will affect normal production, but great manufacturing establishments also which should be restored to their former uses, great stores of machine tools, and all sorts of merchandise which must lie idle until peace and military policy are definitively determined. By the same token there can be no properly studied national budget until then.

The nations that ratify the treaty, such as Great Britain, Belgium, and France, will be in a position to lay their plans for controlling the markets of central Europe without competition from us if we do not presently act. We have no consular agents, no trade representatives there to look after our interests.

There are large areas of Europe whose future will lie uncertain and questionable until their people know the final settlements of peace and the forces which are to administer and sustain it. Without determinate markets our production can not proceed with intelligence or confidence. There can be no stabilization of wages because there can be no settled conditions of employment. There can be no easy or normal industrial credits because there can be no confident or permanent revival of business.

But I will not weary you with obvious examples. I will only venture to repeat that every element of normal life amongst us depends upon and awaits the ratification of the treaty of peace; and also that we can not afford to lose a single summer's day by not doing all that we can to mitigate the winter's suffering, which, unless we find means to prevent it, may prove disastrous to a large portion of the world, and may, at its worst, bring upon Europe conditions even more terrible than those wrought by the war itself.

Nothing, I am led to believe, stands in the way of the ratification of the treaty except certain doubts with regard to the meaning and implication of certain articles of the covenant of the league of nations; and I must frankly say that I am unable to understand why such doubts should be entertained. You will recall that when I had the pleasure of a conference with your committee and with the Committee of the House of Representatives on Foreign Affairs at the White House in March last the questions now most frequently asked about the league of nations were all canvassed with a view to their immediate clarification. The covenant of the league was then in its first draft and subject to revision. It was pointed out that no express recognition was given to the Monroe doctrine; that it was not expressly pro-

vided that the league should have no authority to act or to express a judgment on matters of domestic policy; that the right to withdraw from the league was not expressly recognized; and that the constitutional right of the Congress to determine all questions of peace and war was not sufficiently safeguarded. On my return to Paris all these matters were taken up again by the commission on the league of nations and every suggestion of the United States was accepted.

The views of the United States with regard to the questions I have mentioned had, in fact, already been accepted by the commission and there was supposed to be nothing inconsistent with them in the draft of the covenant first adopted—the draft which was the subject of our discussion in March—but no objection was made to saying explicitly in the text what all had supposed to be implicit in it. There was absolutely no doubt as to the meaning of any one of the resulting provisions of the covenant in the minds of those who participated in drafting them, and I respectfully submit that there is nothing vague or doubtful in their wording.

The Monroe doctrine is expressly mentioned as an understanding which is in no way to be impaired or interfered with by anything contained in the covenant and the expression "regional understandings like the Monroe doctrine" was used, not because anyone of the conferees thought there was any comparable agreement anywhere else in existence or in contemplation, but only because it was thought best to avoid the appearance of dealing in such a document with the policy of a single nation. Absolutely nothing is concealed in the phrase.

With regard to domestic questions Article XVI of the covenant expressly provides that, if in case of any dispute arising between members of the league the matter involved is claimed by one of the parties "and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement." The United States was by no means the only Government interested in the explicit adoption of this provision, and there is no doubt in the mind of any authoritative student of international law that such matters as immigration, tariffs, and naturalization are incontestably domestic questions with which no international body could deal without express authority to do so. No enumeration of domestic questions was undertaken because to undertake it, even by sample, would have involved the danger of seeming to exclude those not mentioned.

The right of any sovereign State to withdraw had been taken for granted, but no objection was made to making it explicit. Indeed, so soon as the views expressed at the White House conference were laid before the commission it was at once conceded that it was best not to leave the answer to so important a question to inference. No proposal was made to set up any tribunal to pass judgment upon the question whether a withdrawing nation had in fact fulfilled "all its international obligations and all its obligations under the covenant." It was recognized that that question must be left to be resolved by the conscience of the nation proposing to withdraw; and I must say that it did not seem to me worth while to propose that the article be made more explicit, because I knew that the United States would

never itself propose to withdraw from the league if its conscience was not entirely clear as to the fulfillment of all its international obligations. It has never failed to fulfill them and never will.

Article 10 is in no respect of doubtful meaning when read in the light of the covenant as a whole. The council of the league can only "advise upon" the means by which the obligations of that great article are to be given effect to. Unless the United States is a party to the policy or action in question, her own affirmative vote in the council is necessary before any advice can be given, for a unanimous vote of the council is required. If she is a party, the trouble is hers anyhow. And the unanimous vote of the council is only advice in any case. Each Government is free to reject it if it pleases. Nothing could have been made more clear to the conference than the right of our Congress under our Constitution to exercise its independent judgment in all matters of peace and war. No attempt was made to question or limit that right. The United States will, indeed, undertake under article 10 to "respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league," and that engagement constitutes a very grave and solemn moral obligation. But it is a moral, not a legal, obligation, and leaves our Congress absolutely free to put its own interpretation upon it in all cases that call for action. It is binding in conscience only, not in law.

Article 10 seems to me to consitute the very backbone of the whole covenant. Without it the league would be hardly more than an influential debating society.

It has several times been suggested, in public debate and in private conference, that interpretations of the sense in which the United States accepts the engagements of the covenant should be embodied in the instrument of ratification. There can be no reasonable objection to such interpretations accompanying the act of ratification provided they do not form a part of the formal ratification itself. Most of the interpretations which have been suggested to me embody what seems to me the plain meaning of the instrument itself. But if such interpretations should constitute a part of the formal resolution of ratification, long delays would be the inevitable consequence, inasmuch as all the many governments concerned would have to accept, in effect, the language of the Senate as the language of the treaty before ratification would be complete. The assent of the German Assembly at Weimar would have to be obtained, among the rest, and I must frankly say that I could only with the greatest reluctance approach that assembly for permission to read the treaty as we understand it and as those who framed it quite certainly understood it. If the United States were to qualify the document in any way, moreover, I am confident from what I know of the many conferences and debates which accompanied the formulation of the treaty that our example would immediately be followed in many quarters, in some instances with very serious reservations, and that the meaning and operative force of the treaty would presently be clouded from one end of its clauses to the other.

Pardon me, Mr. Chairman, if I have been entirely unreserved and plain spoken in speaking of the great matters we all have so much at heart. If excuse is needed, I trust that the critical situation of affairs may serve as my justification. The issues that manifestly

hang upon the conclusions of the Senate with regard to peace and upon the time of its action are so grave and so clearly insusceptible of being thrust on one side or postponed that I have felt it necessary in the public interest to make this urgent plea, and to make it as simply and as unreservedly as possible.

I thought that the simplest way, Mr. Chairman, to cover the points that I knew to be points of interest.

The CHAIRMAN. Mr. President, so far as I am personally concerned—and I think I represent perhaps the majority of the committee in that respect—we have no thought of entering upon argument as to interpretations or points of that character; but the committee is very desirous of getting information on certain points which seem not clear and on which they thought information would be of value to them in the consideration of the treaty which they, I think I may say for myself and others, desire to hasten in every possible way.

Your reference to the necessity of action leads me to ask one question. If we have to restore peace to the world it is necessary, I assume, that there should be treaties with Austria, Hungary, Turkey, and Bulgaria. Those treaties are all more or less connected with the treaty with Germany. The question I should like to ask is, what the prospect is of our receiving those treaties for action.

The PRESIDENT. I think it is very good, sir, and, so far as I can judge from the contents of the dispatches from my colleagues on the other side of the water, the chief delay is due to the uncertainty as to what is going to happen to this treaty. This treaty is the model for the others. I saw enough of the others before I left Paris to know that they are being framed upon the same set of principles and that the treaty with Germany is the model. I think that is the chief element of delay, sir.

The CHAIRMAN. They are not regarded as essential to the consideration of this treaty?

The PRESIDENT. They are not regarded as such; no, sir; they follow this treaty.

The CHAIRMAN. I do not know about the other treaties, but the treaty with Poland, for example, has been completed?

The PRESIDENT. Yes, and signed; but it is dependent on this treaty. My thought was to submit it upon the action on this treaty.

The CHAIRMAN. I should like, if I may, to ask a question in regard to the plans submitted to the commission on the league of nations, if that is the right phrase.

The PRESIDENT. Yes, sir.

The CHAIRMAN. You were kind enough to send us the draft of the American plan. When we were here in February, if I understood you rightly—I may be incorrect but I understood you to say that there were other drafts or plans submitted by Great Britain, by France, and by Italy. Would it be possible for us to see those other tentative plans?

The PRESIDENT. I would have sent them to the committee with pleasure, Senator, if I had found that I had them. I took it for granted that I had them, but the papers that remain in my hands remain there in a haphazard way. I can tell you the character of the other drafts. The British draft was the only one, as I remember, that was in the form of a definite constitution of a league. The

French and Italian drafts were in the form of a series of propositions laying down general rules and assuming that the commission, or whatever body made the final formulation, would build upon those principles if they were adopted. They were principles quite consistent with the final action.

I remember saying to the committee when I was here in March—I have forgotten the expression I used—something to the effect that the British draft had constituted the basis. I thought afterwards that that was misleading, and I am very glad to tell the committee just what I meant.

Some months before the conference assembled, a plan for the league of nations had been drawn up by a British committee, at the head of which was Mr. Phillimore—I believe the Mr. Phillimore who was known as an authority on international law. A copy of that document was sent to me, and I built upon that a redraft. I will not now say whether I thought it was better or not an improvement; but I built on that a draft which was quite different, inasmuch as it put definiteness where there had been what seemed indefiniteness in the Phillimore suggestion. Then, between that time and the time of the formation of the commission on the league of nations, I had the advantage of seeing a paper by Gen. Smuts, of South Africa, who seemed to me to have done some very clear thinking, particularly with regard to what was to be done with the pieces of the dismembered empires. After I got to Paris, therefore, I rewrote the document to which I have alluded, and you may have noticed that it consists of a series of articles and then supplementary agreements. It was in the supplementary agreements that I embodied the additional ideas that had come to me not only from Gen. Smuts's paper but from other discussions. That is the full story of how the plan which I sent to the committee was built up.

The CHAIRMAN. Of course, it is obvious that the Gen. Smuts plan has been used. That appears on the face of the document.

The PRESIDENT. Yes.

The CHAIRMAN. Then there was a previous draft in addition to the one you have sent to us? You spoke of a redraft. The original draft was not submitted to the committee?

The PRESIDENT. No; that was privately, my own.

The CHAIRMAN. Was it before our commission?

The PRESIDENT. No; it was not before our commission.

The CHAIRMAN. The one that was sent to us was a redraft of that?

The PRESIDENT. Yes. I was reading some of the discussion before the committee, and some one, I think Senator Borah, if I remember correctly, quoted an early version of article 10.

Senator BORAH. That was Senator Johnson.

Senator JOHNSON of California. I took it from the Independent.

The PRESIDENT. I do not know how that was obtained, but that was part of the draft which preceded the draft which I sent to you.

Senator JOHNSON of California. It was first published by Mr. Hamilton Holt in the Independent; it was again subsequently published in the New Republic, and from one of those publications I read it when examining, I think, the Secretary of State.

The PRESIDENT. I read it with the greatest interest, because I had forgotten it, to tell the truth, but I recognized it as soon as I read it.

Senator JOHNSON of California. It was the original plan?

The PRESIDENT. It was the original form of article 10; yes.

The CHAIRMAN. I was about to ask in regard to article 10, as the essence of it appears in article 2 of the draft which you sent, whether that was in the British plan—the Smuts plan—or the other plans?

Of course if there are no drafts of these other plans, we can not get them.

The PRESIDENT. I am very sorry, Senator. I thought I had them, but I have not.

The CHAIRMAN. Mr. Lansing, the Secretary of State, testified before us the other day that he had prepared a set of resolutions covering the points in the league, which was submitted to the American commission. You saw that draft?

The PRESIDENT. Yes.

The CHAIRMAN. No specific action was taken upon it?

The PRESIDENT. Not in a formal way.

The CHAIRMAN. Mr. President, I have no prepared set of questions, but there are one or two that I wish to ask, and will go to an entirely different subject in my next question. I desire to ask purely for information. Is it intended that the United States shall receive any part of the reparation fund which is in the hands of the reparation commission?

The PRESIDENT. I left that question open, Senator, because I did not feel that I had any final right to decide it. Upon the basis that was set up in the reparation clauses the portion that the United States would receive would be very small at best, and my own judgment was frequently expressed, not as a decision but as a judgment, that we should claim nothing under those general clauses. I did that because I coveted the moral advantage that that would give us in the counsels of the world.

Senator MCCUMBER. Did that mean we would claim nothing for the sinking of the *Lusitania*?

The PRESIDENT. Oh, no. That did not cover questions of that sort at all.

The CHAIRMAN. I understood that prewar claims were not covered by that reparation clause.

The PRESIDENT. That is correct.

The CHAIRMAN. I asked that question because I desired to know whether under the reparation commission there was anything expected to come to us.

The PRESIDENT. As I say, that remains to be decided.

The CHAIRMAN. By the commission?

The PRESIDENT. By the commission.

The CHAIRMAN. Going now onto another question, as I understand the treaty the overseas possessions of Germany are all made over to the five principal allied and associated powers, who apparently, as far as the treaty goes, have power to make disposition of them, I suppose by way of mandate or otherwise. Among those overseas possessions are the Ladrone Islands, except Guam, the Carolines, and, I think, the Marshall Islands. Has there been any recommendation made by our naval authorities in regard to the importance of our having one island there, not for territorial purposes, but for naval purposes?

The PRESIDENT. There was a paper on that subject, Senator, which has been published. I only partially remember it. It was a

paper laying out the general necessities of our naval policy in the Pacific, and the necessity of having some base for communication upon those islands was mentioned, just in what form I do not remember. But let me say this, there is a little island which I must admit I had not heard of before.

Senator WILLIAMS. The island of Yap?

The PRESIDENT. Yap. It is one of the bases and centers of cable and radio communication on the Pacific, and I made the point that the disposition, or rather the control, of that island should be reserved for the general conference which is to be held in regard to the ownership and operation of the cables. That subject is mentioned and disposed of in this treaty and that general cable conference is to be held.

The CHAIRMAN. I had understood, or I had heard the report, that our General Board of the Navy Department and our Chief of Operations, had recommended that we should have a footing there, primarily in order to secure cable communications.

The PRESIDENT. I think you are right, sir.

The CHAIRMAN. That we were likely to be cut off from cable communication—that is, that the cables were likely to pass entirely into other hands—unless we had some station there, and it seemed to me a matter of such importance that I asked the question.

I wish to ask this further question: There was a secret treaty between England and Japan in regard to Shantung; and in the correspondence with the British ambassador at Tokyo, when announcing the acquiescence of Great Britain in Japan's having the German rights in Shantung, the British ambassador added:

> It is, of course, understood that we are to have the islands south of the Equator and Japan to have the islands north of the Equator.

If it should seem necessary for the safety of communication for this country that we should have a cable station there, would that secret treaty interfere with it?

The PRESIDENT. I think not, sir, in view of the stipulation that I made with regard to the question of construction by this cable convention. That note of the British ambassador was a part of the diplomatic correspondence covering that subject.

The CHAIRMAN. That was what I understood.

Senator MOSES. Was the stipulation that that should be reserved for the consideration of the cable conference a formally signed protocol?

The PRESIDENT. No; it was not a formally signed protocol, but we had a prolonged and interesting discussion on the subject, and nobody has any doubt as to what was agreed upon.

The CHAIRMAN. I asked the question because it seemed to me a matter of great importance.

The PRESIDENT. Yes; it is.

The CHAIRMAN. As a matter of self-protection, it seemed on the face of it that the treaty would give the five principal allied and associated powers the authority to make such disposition as they saw fit of those islands, but I did not know whether the secret treaty would thwart that purpose. I have no further questions to ask, Mr. President.

Senator BORAH. Mr. President, if no one else desires to ask a question, I want, so far as I am individually concerned, to get a little

clearer information with reference to the withdrawal clause in the league covenant. Who passes upon the question of the fulfillment of our international obligations, upon the question whether a nation has fulfilled its international obligations?

The PRESIDENT. Nobody.

Senator BORAH. Does the council have anything to say about it?

The PRESIDENT. Nothing whatever.

Senator BORAH. Then if a country should give notice of withdrawal, it would be the sole judge of whether or not it had fulfilled its international obligations—its covenants—to the league?

The PRESIDENT. That is as I understand it. The only restraining influence would be the public opinion of the world.

Senator BORAH. Precisely; but if the United States should conceive that it had fulfilled its obligations, that question could not be referred to the council in any way, or the council could not be called into action.

The PRESIDENT. No.

Senator BORAH. Then, as I understand, when the notice is given, the right to withdraw is unconditional?

The PRESIDENT. Well, when the notice is given it is conditional on the faith of the conscience of the withdrawing nation at the close of the two-year period.

Senator BORAH. Precisely; but it is unconditional so far as the legal right or the moral right is concerned.

The PRESIDENT. That is my interpretation.

Senator BORAH. There is no moral obligation on the part of the United States to observe any suggestion made by the council?

The PRESIDENT. Oh, no.

Senator BORAH. With reference to withdrawing?

The PRESIDENT. There might be a moral obligation if that suggestion had weight, Senator, but there is no other obligation.

Senator BORAH. Any moral obligation which the United States would feel, would be one arising from its own sense of obligation?

The PRESIDENT. Oh, certainly.

Senator BORAH. And not by reason of any suggestion by the council?

The PRESIDENT. Certainly.

Senator BORAH. Then the idea which has prevailed in some quarters that the council would pass upon such obligation is an erroneous one, from your standpoint?

The PRESIDENT. Yes; entirely.

Senator BORAH. And as I understand, of course, you are expressing the view which was entertained by the commission which drew the league?

The PRESIDENT. I am confident that that was the view. That view was not formulated, you understand, but I am confident that that was the view.

Senator MCCUMBER. May I ask a question right here? Would there be any objection, then, to a reservation declaring that to be the understanding of the force of this section?

The PRESIDENT. Senator, as I indicated at the opening of our conference, this is my judgment about that: Only we can interpret a moral obligation. The legal obligation can be enforced by such machinery as there is to enforce it. We are therefore at liberty to in-

terpret the sense in which we undertake a moral obligation. What I feel very earnestly is that it would be a mistake to embody that interpretation in the resolution of ratification, because then it would be necessary for other governments to act upon it.

Senator McCUMBER. If they all recognized at the time that this was the understanding and the construction that should be given to that portion of the treaty, would it be necessary for them to act on it again?

The PRESIDENT. I think it would, Senator.

Senator McCUMBER. Could they not accept it merely by acquiescence?

The PRESIDENT. My experience as a lawyer was not very long; but that experience would teach me that the language of a contract is always part of the debatable matter, and I can testify that in our discussions in the commission on the league of nations we did not discuss ideas half as much as we discussed phraseologies.

Senator McCUMBER. But suppose, Mr. President, we should make a declaration of that kind, which would be in entire accord with your view of the understanding of all of the nations, and without further comment or action the nations should proceed to appoint their commissions, and to act under this treaty, would not that be a clear acquiescence in our construction?

The PRESIDENT. Oh, it might be, Senator, but we would not know for a good many months whether they were going to act in that sense or not. There would have to be either explicit acquiescence, or the elapsing of a long enough time for us to know whether they were implicitly acquiescing or not.

Senator McCUMBER. I should suppose that when the treaty was signed, under present world conditions, all nations would proceed to act immediately under it.

The PRESIDENT. In some matters; yes.

Senator HARDING. Mr. President, assuming that your construction of the withdrawal clause is the understanding of the formulating commission, why is the language making the proviso for the fulfillment of covenants put into the article?

The PRESIDENT. Merely as an argument to the conscience of the nations. In other words, it is a notice served on them that their colleagues will expect that at the time they withdraw they will have fulfilled their obligations.

Senator HARDING. The language hardly seems to make that implication, because it expressly says, "Provided it has fulfilled its obligations."

The PRESIDENT. Yes.

Senator HARDING. If it were a matter for the nation itself to judge, that is rather a far-fetched provision, is it not?

The PRESIDENT. Well, you are illustrating my recent remark, Senator, that the phraseology is your difficulty, not the idea. The idea is undoubtedly what I have expressed.

Senator PITTMAN. Mr. President, Senator McCumber has drawn out that it is your impression that the allied and associated powers have the same opinion of the construction of these so-called indefinite articles that you have. Is that construction also known and held by Germany?

The PRESIDENT. I have no means of knowing.

Senator PITTMAN. Germany, then, has not expressed herself to the commission with regard to these mooted questions?

The PRESIDENT. No; we have no expression from Germany about the league, except the expression of her very strong desire to be admitted to it.

Senator PITTMAN. And is it your opinion that if the language of the treaty were changed in the resolution of ratification, the consent of Germany to the change would also be essential.

The PRESIDENT. Oh, undoubtedly.

The CHAIRMAN. Mr. President, in that connection—I did not mean to ask another question—I take it there is no question whatever, under international law and practice, that an amendment to the text of a treaty must be submitted to every signatory, and must receive either their assent or their dissent. I had supposed it had been the general diplomatic practice with regard to reservations—which apply only to the reserving power, and not to all the signatories, of course—that with regard to reservations it had been the general practice that silence was regarded as acceptance and acquiesence; that there was that distinction between a textual amendment, which changed the treaty for every signatory, and a reservation, which changed it only for the reserving power. In that I may be mistaken, however.

The PRESIDENT. There is some difference of opinion among the authorities, I am informed. I have not had time to look them up myself about that; but it is clear to me that in a treaty which involves so many signatories, a series of reservations—which would ensue, undoubtedly—would very much obscure our confident opinion as to how the treaty was going to work.

Senator WILLIAMS. Mr. President, suppose for example that we adopted a reservation, as the Senator from Massachusetts calls it, and that Germany did nothing about it at all, and afterwards contended that so far as that was concerned it was new matter, to which she was never a party: Could her position be justifiably disputed?

The PRESIDENT. No.

Senator BORAH. Mr. President, with reference to article 10—you will observe that I am more interested in the league than any other feature of this discussion—in listening to the reading of your statement I got the impression that your view was that the first obligation of article 10, to wit—

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league—

was simply a moral obligation.

The PRESIDENT. Yes, sir; inasmuch as there is no sanction in the treaty.

Senator BORAH. But that would be a legal obligation so far as the United States was concerned if it should enter into it; would it not?

The PRESIDENT. I would not interpret it in that way, Senator, because there is involved the element of judgment as to whether the territorial integrity or existing political independence is invaded or impaired. In other words, it is an attitude of comradeship and protection among the members of the league, which in its very nature is moral and not legal.

Senator BORAH. If, however, the actual fact of invasion were beyond dispute, then the legal obligation, it seems to me, would immediately arise. I am simply throwing this out in order to get a full expression of views. The legal obligation would immediately arise if the fact of actual invasion were undisputed?

The PRESIDENT. The legal obligation to apply the automatic punishments of the covenant, undoubtedly; but not the legal obligation to go to arms and actually to make war. Not the legal obligation. There might be a very strong moral obligation.

Senator MCCUMBER. Just so that I may understand definitely what your view is on that subject, Mr. President, do I understand you to mean that while we have two different remedies, and possibly others, we would be the sole judge of the remedy we would apply, but the obligation would still rest upon us to apply some remedy to bring about the result?

The PRESIDENT. Yes. I can not quite accept the full wording that you used, sir. We would have complete freedom of choice as to the application of force.

Senator MCCUMBER. Would we not have the same freedom of choice as to whether we would apply a commercial boycott? Are they not both under the same language, so that we would be bound by them in the same way?

The PRESIDENT. Only in regard to certain articles. The breach of certain articles of the covenant does bring on what I have designated as an automatic boycott, and in that we would have no choice.

Senator KNOX. Mr. President, allow me to ask this question: Suppose that it is perfectly obvious and accepted that there is an external aggression against some power, and suppose it is perfectly obvious and accepted that it can not be repelled except by force of arms, would we be under any legal obligation to participate?

The PRESIDENT. No, sir; but we would be under an absolutely compelling moral obligation.

Senator KNOX. But no legal obligation?

The PRESIDENT. Not as I contemplate it.

Senator WILLIAMS. Mr. President, each nation, if I understand it, is, of course, left to judge the applicability of the principles stated to the facts in the case, whether there is or is not external aggression?

The PRESIDENT. Yes.

Senator WILLIAMS. And if any country should conclude that there was not external aggression, but that France or some other country had started the trouble indirectly, we would have the same right, if I understand it, that Italy had to declare that her alliance with Germany and Austria was purely defensive, and that she did not see anything defensive in it; so when you come to judgment of the facts, outside of the international law involved, each nation must determine, if I understand, whether or not there has been external aggression?

The PRESIDENT. I think you are right, sir. Senator [addressing Senator Knox], you were about to ask something?

Senator KNOX. I only wanted to tell you that I asked that question because I was a little confused by the language of your message transmitting the proposed Franco-American treaty to the Senate, in which you said, in substance, and, I think, practically in these terms, that this is only binding us to do immediately what we otherwise would have been bound to do under the league of nations?

The PRESIDENT. Yes.

Senator KNOX. Perhaps I am mistaken with respect to its having been in that message. I am sure I am mistaken; it was not in that message; it was in the message that Mr. Tumulty gave out——

The CHAIRMAN. May 10.

Senator KNOX. Yes.

The PRESIDENT. Yes.

Senator KNOX. That it was merely binding us to do immediately, without waiting for any other power, that which we would otherwise have been bound to do under the terms of the league of nations.

The PRESIDENT. I did not use the word "bound," but "morally bound." Let me say that you are repeating what I said to the other representatives. I said, "Of course, it is understood we would have to be convinced that it was an unprovoked movement of aggression," and they at once acquiesced in that.

Senator MCCUMBER. Mr. President, there are a number of Senators who sincerely believe that under the construction of article 10, taken in connection with other clauses and other articles in the treaty, the council can suggest what we should do, and of course, while they admit the council can only advise and suggest, that it is nevertheless our moral duty to immediately obey the council, without exercising our own judgment as to whether we shall go to war or otherwise. Now, the public, the American people, a great proportion of them, have that same conviction, which is contrary to your view. Do you not think, therefore, that it would be well to have a reservation inserted in our resolution that shall so construe that section as to make it clear, not only to the American people but to the world, that Congress may use its own judgment as to what it will do, and that its failure to follow the judgment of the council will not be considered a breach of the agreement?

The PRESIDENT. We differ, Senator, only as to the form of action. I think it would be a very serious practical mistake to put it in the resolution of ratification; but I do hope that we are at liberty, contemporaneously with our acceptance of the treaty, to interpret our moral obligation under that article.

Senator PITTMAN. Mr. President, I understand that, under the former method, in your opinion, it would have to go back to Germany and the other countries; while under the latter method it would not be required to go back for ratification.

The PRESIDENT. Yes, sir; that is my judgment.

Senator KNOX. Mr. President, is it not true that such matters are ordinarily covered by a mere exchange of notes between powers, stating that they understand in this or that sense, or do not so understand?

The PRESIDENT. Yes, sir; ordinarily.

Senator KNOX. That would be a matter that would require very little time to consummate it, if these constructions have already been placed upon it in their conversations with you.

The PRESIDENT. But an exchange of notes is quite a different matter from having it embodied in the resolution of ratification.

Senator KNOX. If we embody in our resolution of ratification a statement that we understand section 10 or section 16 or section something else in a particular sense, and this Government, through its foreign department, transmits the proposed form of ratification

to the chancellors of the other nations that are concerned in this treaty, and if those interpretations are the same as you have agreed upon with them in your conversations, I do not see how we would need anything more than a mere reply to that effect.

The PRESIDENT. It would need confirmation.

Senator KNOX. Yes; it would need confirmation in that sense.

The PRESIDENT. My judgment is that the embodying of that in the terms of the resolution of ratification would be acquiescence not only in the interpretation but in the very phraseology of the interpretation, because it would form a part of the contract.

Senator KNOX. It might with us, because we have so much machinery for dealing with treaties, but in other countries where it is much more simple I should think it would not be.

The PRESIDENT. It is simple legally, Senator; but, for example, this treaty has been submitted to legislatures to which the Government was not, by law, obliged to submit it, and it is everywhere being treated as a legislative matter—I mean, so far as the ratification is concerned.

Senator KNOX. You mean in countries where, under their constitutions, there are provisions that treaties ordinarily are not submitted to the legislative branch of the government, this treaty is being so submitted?

The PRESIDENT. So I understand.

Senator KNOX. Where there are two branches of the legislative department, an upper and a lower branch, do you know whether it is being submitted to both?

The PRESIDENT. I think not, sir. I am not certain about that; but my memory is it is not.

Senator FALL. Mr. President, the idea has struck me and I have entertained the view, since reading the treaty and the league, that Germany having signed the treaty but not being yet a member of the league, any reservations which we might make here would be met by Germany's either joining the league or refusing to join the league. It would not be submitted to her at all now, because she is not a member of the league? You catch the point?

The PRESIDENT. Yes. I differ with you there, Senator. One of the reasons for putting the league in the treaty was that Germany was not going to be admitted to the league immediately, and we felt that it was very necessary that we should get her acknowledgment—acceptance—of the league as an international authority, partly because we were excluding her, so that she would thereafter have no ground for questioning such authority as the league might exercise under its covenant,

Senator FALL. Precisely.

The PRESIDENT. Therefore, I think it would be necessary for her to acquiesce in a league the powers of which were differently construed.

Senator FALL. Precisely; but her acquiescence would be by her accepting the invitation, when extended, either to join the league or not to join the league. In other words, upon ratification by three of the powers a status of peace is established, and as to those three powers and Germany all the rules and regulations contained in the treaty of peace become operative. As to the other nations which have not ratified, the status of peace exists; that is, war has terminated. Now, that being the case, and Germany being out of the

league—not having been invited to join the league—if in ratifying the treaty we ratify it with certain explanations or reservations, even in the ratifying resolution, when the time comes and Germany is invited to become a member of the league, or when she applies, under the admission clause of the league, for membership therein, if she enters she of course accepts our reservations. If she makes a qualified application, then it is for the league itself to consider whether she will be admitted?

The PRESIDENT. I do not follow your reasoning in the matter, Senator, because this is not merely a question of either membership or nonmembership. The covenant is a part of the treaty, it is a part of the treaty which she has signed, and we are not at liberty to change any part of that treaty without the acquiescence of the other contracting party.

Senator FALL. Well, Mr. President, of course it is not my purpose to enter into an argument, but we are here for information. There are provisions for the amendment of the articles. Germany is out of the league. Any amendment proposed by the other members of the league prior to her coming into the league would not be submitted to her, would it, she not being a member?

The PRESIDENT. I will admit that that point had not occurred to me. No, she would not.

Senator FALL. Then so far as we are concerned we could make a recommendation in the nature of an amendment.

Senator PITTMAN. She has already agreed by this treaty that she has signed that the members may amend it.

The PRESIDENT. Yes.

Senator FALL. Precisely, and we could come in with an amendment.

Senator HITCHCOCK. Did I understand your first reply to Senator Fall to be that Germany under this treaty already had a relationship to the league by reason of its international character, and its participation in a number of questions that Germany was interested in?

The PRESIDENT. Yes.

Senator HITCHCOCK. So that it has a relationship to the league of nations even before the time that it may apply for membership.

The PRESIDENT. Yes.

Senator MCCUMBER. Mr. President, you answered one question that I think possibly may need a little elucidation. If I remember rightly, in reference to reparation your statement was that the commission would have to decide whether the United States should claim her proportion of the reparation.

The PRESIDENT. That the commission would have to do it? No; we decide whether we claim it or not.

Senator MCCUMBER. That is what I want to make clear. I think the question was asked if the commission was to decide that, and I thought your answer said yes. That is the reason I asked the question.

The PRESIDENT. The claim would have to come from us, of course.

Senator MCCUMBER. It would have to be through an act of Congress, would it not?

The PRESIDENT. I would have to be instructed about that, Senator. I do not know.

Senator McCUMBER. Whatever right the United States would receive under the treaty for reparation or indemnity is one that runs to the United States, and therefore to divest ourselves of that right would require an act of Congress.

The PRESIDENT. To divest ourselves of it? I suppose so.

Senator KNOX. In the question of the Japanese indemnity, that was done by a joint resolution.

Senator McCUMBER. I thought the President said it would have to be decided by the constituted authority.

Senator KNOX. I did not understand that he said that.

Senator SWANSON. I understand that the reparation is to be decided upon a representation made by the associated powers. It would seem that the President under that agreement with France, Great Britain, and other nations would have to submit it to the Senate for ratification, and the agreement would have to be reported.

Senator McCUMBER. In each case it would have the force of law.

Senator SWANSON. If the Senate wanted to ratify it, it would take an act of Congress.

Senator WILLIAMS. This question of reparation does not in any way affect our rights to prewar indemnities.

The PRESIDENT. That is expressly stated.

Senator WILLIAMS. That is expressly stated. Now, then, one other question. Germany has signed this treaty with the covenant of the league in it, and she is subject to be dealt with as a nonmember under the treaty, and has very much fewer privileges than a member?

The PRESIDENT. Yes.

Senator NEW. Mr. President, may I ask a question there? What effort was made by the delegates there to prevent the proceedings of the reparations committee being required to be secret?

The PRESIDENT. I beg your pardon, Senator.

Senator NEW. What effort, if any, was made by the American delegates to prevent the proceedings of the reparation commission from being required to be secret, and did the American delegates protest that America be omitted from this commission on account of that thing?

The PRESIDENT. Nothing was said about it, that I remember.

Senator BORAH. Mr. President, coming back for a moment to the subject from which we were diverted a moment ago, and coupling with article 10 article 11, in order that we may have the construction of the committee which framed the league as to both of those articles, as I understand it from your statement, the committee's view was that the obligations under articles 10 and 11, whatever they are, are moral obligations.

The PRESIDENT. Remind me of the eleventh. I do not remember that by number.

Senator BORAH (reading):

> Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

What I am particularly anxious to know is whether or not the construction which was placed upon these two articles by the committee which framed the league was that it was a binding obligation from a legal standpoint, or merely a moral obligation.

The PRESIDENT. Senator, I tried to answer with regard to article 10.

Senator BORAH. Yes; exactly.

The PRESIDENT. I would apply it equally with regard to article 11, though I ought to hasten to say that we did not formulate these interpretations. I can only speak from my confident impression from the debates that accompanied the formulation of the covenant.

Senator BORAH. Yes; I understand; and your construction of article 11 is the same as that of article 10?

The PRESIDENT. Yes.

Senator BORAH. As to the question of legal obligation. That is all I desire to ask at present.

Senator HARDING. Right there, Mr. President, if there is nothing more than a moral obligation on the part of any member of the league, what avail articles 10 and 11?

The PRESIDENT. Why, Senator, it is surprising that that question should be asked. If we undertake an obligation we are bound in the most solemn way to carry it out.

Senator HARDING. If you believe there is nothing more to this than a moral obligation, any nation will assume a moral obligation on its own account. Is it a moral obligation? The point I am trying to get at is, Suppose something arises affecting the peace of the world, and the council takes steps as provided here to conserve or preserve, and announces its decision, and every nation in the league takes advantage of the construction that you place upon these articles and says, "Well, this is only a moral obligation, and we assume that the nation involved does not deserve our participation or protection," and the whole thing amounts to nothing but an expression of the league council.

The PRESIDENT. There is a national good conscience in such a matter. I should think that was one of the most serious things that could possibly happen. When I speak of a legal obligation, I mean one that specifically binds you to do a particular thing under certain sanctions. That is a legal obligation. Now a moral obligation is of course superior to a legal obligaton, and, if I may say so, has a greater binding force; only there always remains in the moral obligation the right to exercise one's judgment as to whether it is indeed incumbent upon one in those circumstances to do that thing. In every moral obligation there is an element of judgment. In a legal obligation there is no element of judgment.

Senator JOHNSON of California. But, Mr. President, when a moral obligation is undoubted it will impel action more readily than a legal obligation.

The PRESIDENT. If it is undoubted, yes; but that involves the circumstances of the particular case, Senator.

Senator JOHNSON of California. Yes; necessarily.

Senator HARDING. In answering Senator Knox a moment ago you spoke of a compelling moral obligation. Would you think that any less binding than a specific legal obligation?

The PRESIDENT. Not less binding, but operative in a different way because of the element of judgment.

Senator HARDING. But not less likely to involve us in armed participation?

The PRESIDENT. In trifling matters, very much less likely.

Senator HARDING. To clear my slow mind, let me take a specific case. Suppose the allotted territory which comes under the control of Italy should in some way be assailed from the Balkan States and the council of the league should immediately look upon that as a threat of war involving other nations and should say that the nations of the league should immediately contribute an armed force to stop that war or to bring the attacking nation to terms, would we be a perfidious people, if I may use that term, or would we violate our obligations, if we failed to participate in the defense of Italy?

The PRESIDENT. We would be our own judges as to whether we were obliged in those circumstances to act in that way or not.

Senator HITCHCOCK. In such a case the council would only act unanimously, and our representative on the council of course would have to concur in any advice given.

The PRESIDENT. Certainly; we would always in such case advise ourselves.

Senator WILLIAMS. But if in such case, Mr. President, we concluded that the case provided for and prescribed had arisen and that the extraneous attack existed and that it fell within the terms of the treaty, then we would be untrue if we did not keep our word?

The PRESIDENT. Certainly.

Senator BORAH. In other words, then, that transfers the power to decide whether we should act from the Congress of the United States to one individual who sits on the council.

Senator WILLIAMS. No, it does not; it merely provides that when the council acts in accordance with the prescribed terms and we see that it has acted, then Congress will, as a matter of faith keeping, act itself; and, if Congress does not, Congress will do a dishonorable thing.

Senator BORAH. Precisely so; so that the matter gets back to the point where one individual has bound Congress.

Senator HITCHCOCK. I hope my question to the President will not be interpreted in that way. My question to the President was whether the matter would even come before this country as the advice of the council until the American representative had concurred with the other eight members of the council. After he had concurred it would then be up to Congress to decide.

The PRESIDENT. You are quite right, Senator. And let me suggest that I find nothing was more clearly in the consciousness of the men who were discussing these very important matters than that most of the nations concerned had popular governments. They were all the time aware of the fact that it would depend upon the approving or disapproving state of opinion of their countries how their representatives in the council would vote in matters of this sort; and it is inconceivable to me that, unless the opinion of the United States, the moral and practical judgment of the people of the United States, approved, the representative of the United States on the council should vote any such advice as would lead us into war.

Senator BORAH. Mr. President, does the special alliance treaty with France which has been submitted to us rest upon any other basis as to legal and moral obligation than that of article 10 and article 11 which you have just described?

The PRESIDENT. No, sir.

Senator BORAH. That is also, as you understand it, simply our moral obligations which we enter into with France?

The PRESIDENT. Yes.

Senator WILLIAMS. All international obligations are moral ones.

Senator PITTMAN. There is one thing I do not understand about Senator Borah's question. He has stated that he gathers from what you said that it all rests with our representative on the council. Even if our representative on the council advises as a member of the council, and the council is unanimous, is it not then still up to Congress either to accept or reject that advice?

The PRESIDENT. Oh, yes; but I understood the Senator to mean that it would be dependent on our representative.

Senator JOHNSON of California. May I take the example that was just suggested concering the Balkan States and a possible attack upon the new territories of Italy. Assuming that that is a case of external aggression by the Balkan States concerning the new territory that Italy has acquired by the peace treaty, upon us rests a compelling moral obligation to do our part in preventing that, does there not?

The PRESIDENT. Yes.

Senator JOHNSON of California. And that compelling moral obligation would require us to use such means as would seem appropriate, either economic or force? Is not that correct?

The PRESIDENT. Deemed appropriate by whom? That is really the point.

Senator JOHNSON of California. Of course, deemed appropriate for the purpose of preventing and frustrating the aggression.

The PRESIDENT. Deemed by us appropriate?

Senator JOHNSON of California. I assume of necessity it would have to be deemed by us to bind us as a compelling moral obligation to prevent the aggression in the case named.

The PRESIDENT. Yes.

Senator MCCUMBER. Mr. President, I think, due to my own fault, I do not fully comprehend your distinction between a moral and a legal obligation in a treaty. If we enter into a treaty with France to defend her against aggression from Germany for any length of time, that is a legal obligation, is it not?

The PRESIDENT. Legal in the sense that a treaty is of binding force; yes.

Senator MCCUMBER. Yes; that is what I meant. It is as legal as any treaty could be made legal, and there is also a moral obligation to keep that treaty, is there not?

The PRESIDENT. Yes, sir. I happened to hear Senator Knox say what I am glad to adopt. It is a legal obligation with a moral sanction.

Senator BORAH. That is true generally, is it not?

The PRESIDENT. Yes, Senator; but I have already defined in what special sense I use the word "legal."

Senator MCCUMBER. To my mind those two articles are legal obligations to be carried out by the moral conscience of the American people if the conditions justify it.

The PRESIDENT. You see we are speaking of two different fields, and therefore the language does not fit. In international law the word "legal" does not mean the same as in national law, and the word hardly applies.

Senator BORAH. I wish to ask some questions in regard to the secret treaties. I do not feel as free about those matters as I do about the

league, because there are certain things that I recognize may not be entirely open for public consideration; but, nevertheless, in so far as we can, I should like to know when the first knowledge came to this Government with reference to the secret treaties between Japan, Great Britain, Italy, and France concerning the German possessions in Shantung?

The PRESIDENT. I thought that Secretary Lansing had looked that up and told you. I can only reply from my own knowledge, and my own knowledge came after I reached Paris.

Senator BORAH. We did get a reply from Mr. Lansing to the same effect so far as he was concerned. When did the secret treaties between Great Britain, France, and the other nations of Europe with reference to certain adjustments in Europe first come to your knowledge? Was that after you had reached Paris also?

The PRESIDENT. Yes; the whole series of understandings were disclosed to me for the first time then.

Senator BORAH. Then we had no knowledge of these secret treaties, so far as our Government was concerned, until you reached Paris?

The PRESIDENT. Not unless there was information at the State Department of which I knew nothing.

Senator BORAH. Do you know when the secret treaties between Japan, Great Britain, and other countries were first made known to China?

The PRESIDENT. No, sir; I do not. I remember a meeting of what was popularly called the council of ten, after our reaching Paris, in which it was first suggested that all these understandings should be laid upon the table of the conference. That was some time after we reached there, and I do not know whether that was China's first knowledge of these matters or not.

Senator BORAH. Would it be proper for me to ask if Great Britain and France insisted upon maintaining these secret treaties at the peace conference as they were made?

The PRESIDENT. I think it is proper for me to answer that question, sir. I will put it in this way: They felt that they could not recede from them, that is to say, that they were bound by them, but when they involved general interests such as they realized were involved, they were quite willing, and indeed I think desirous, that they should be reconsidered with the consent of the other parties. I mean with the consent, so far as they were concerned, of the other parties.

Senator MOSES. Were all those treaties then produced, Mr. President?

The PRESIDENT. Oh, yes.

Senator MOSES. Did that include the secret arrangement with reference to Avlona?

The PRESIDENT. I do not recall that agreement, Senator. You mean with regard to Italy having Avlona?

Senator MOSES. Yes.

The PRESIDENT. If it did, I did not see it. I heard of it, but I can not say confidently that the terms were laid before us.

Senator MOSES. I recall in some statements you made in connection with Fiume that you referred to Italy receiving Avlona under some agreement previously arrived at, and in that statement you held that to be part compensation at least for any loss she might sustain in not having Fiume.

The PRESIDENT. I was referring to what I understood to be the agreement. I am simply now answering your question that I did not see that agreement in written terms.

Senator MOSES. Then, they were not produced in textual form?

The PRESIDENT. I do not know; they may have been and I may not have picked them up in the great mass of papers before me.

Senator MOSES. The purpose of my inquiry was to ascertain whether there was laid before the council of ten any textual agreements which transferred parts of the territory of one independent nation to another.

The PRESIDENT. Only those that have been spoken of.

Senator MOSES. That is to say, Shantung and Avlona?

The PRESIDENT. I say only those that we have had under general discussion. I can not enumerate them, but there are none that have not been produced so far as I know. That answers the question.

Senator MCCUMBER. The secret treaties to which you refer are those treaties which were made from time to time as the exigencies of the war required during the period of the war?

The PRESIDENT. Yes.

Senator MCCUMBER. And not treaties that were made prior to the war?

The PRESIDENT. Yes.

Senator WILLIAMS. Mr. President, I wish to ask you a question in order to see if the facts are clear in my own mind. As I understand the situation—and I should like to have you correct me if I am wrong—France and Great Britain both have stated that they were bound by certain treaties with Japan and they were perfectly willing, with Japan's consent, to reconsider those treaties, but that they were themselves bound if the other party to the treaty did not consent to reconsider. Is that about it?

The PRESIDENT. Yes.

Senator WILLIAMS. That is what I thought. Bound in honor is the only way a nation is bound in international affairs.

Senator SWANSON. Can you tell us, or would it be proper to do so, of your understanding with Japan as to the return of Shantung? That is a question which has been very much discussed.

The PRESIDENT. I have published the wording of the understanding, Senator. I can not be confident that I quote it literally, but I know that I quote it in substance. It was that Japan should return to China in full sovereignty the old Province of Shantung so far as Germany had had any claims upon it, preserving to herself the right to establish a residential district at Tsingtao, which is the town of Kiaochow Bay; that with regard to the railways and mines she should retain only the rights of an economic concession there, with the right, however, to maintain a special body of police on the railway, the personnel of which should be Chinese under Japanese instructors nominated by the managers of the company and appointed by the Chinese Government. I think that is the whole of it.

Senator POMERENE. That is, that the instructors should be confirmed by the Chinese Government?

The PRESIDENT. No; not exactly that. The language, as I remember it, was that they should be nominated by the managers of the railway company, and appointed by the Chinese Government.

Senator BORAH. Was that understanding oral?

Senator WILLIAMS. This rather curious question presents itself to my mind: As I understand, Japan has retained sovereignty for the 99 years of the lease only at Kiaochow, and 5 kilometers, or some such distance, back from the bay.

The PRESIDENT. She has not retained sovereignty over anything.

Senator WILLIAMS. She has not?

The PRESIDENT. I mean, she has promised not to.

Senator WILLIAMS. During the period of the lease?

The PRESIDENT. No; she has promised not to retain sovereignty at all. Senator Borah asked whether this understanding was oral or otherwise. I do not like to describe the operation exactly if it is not perfectly discreet, but as a matter of fact this was technically oral, but literally written and formulated, and the formulation agreed upon.

Senator JOHNSON of California. When, Mr. President, is the return to be made?

The PRESIDENT. That was left undecided, Senator, but we were assured at the time that it would be as soon as possible.

Senator JOHNSON of California. Did not the Japanese decline to fix any date?

The PRESIDENT. They did at that time, yes; but I think it is fair to them to say not in the spirit of those who wished it be within their choice, but simply that they could not at that time say when it would be.

Senator JOHNSON of California. The economic privileges that they would retain would give them a fair mastery over the Province, would they not, or at least the Chinese think so? Let me put it in that fashion, please.

The PRESIDENT. I believe they do, Senator. I do not feel qualified to judge. I should say that that was an exaggerated view.

Senator JOHNSON of California. But the Chinese feel that way about it, and have so expressed themselves?

The PRESIDENT. They have so expressed themselves.

Senator KNOX. Mr. President, the economic privileges that they originally acquired in Korea, and subsequently in inner and outer Mongolia, and in northern and southern Manchuria, have almost developed into a complete sovereignty over those countries, have they not?

The PRESIDENT. Yes, Senator; in the absence of a league of nations they have.

Senator KNOX. You think the league of nations would have prevented that, do you?

The PRESIDENT. I am confident it would.

Senator NEW. Mr. President, does not this indefinite promise of Japan's suggest the somewhat analogous case of England's occupation of Malta? She has occupied Malta for something like a century, I believe, under a very similar promise.

The PRESIDENT. Well, Senator, I hope you will pardon me if I do not answer that question.

Senator FALL. Mr. President, speaking of the duty of defense in reference to sovereignty, and of aggression with reference to sovereignty, in construing these different articles of the league, I have been curious to know who will defend the mandate territories or colonies if there should be external aggression.

The PRESIDENT. Primarily, the mandatory power.

Senator FALL. The mandatory power would have that character of sovereignty over the possession which would compel it as a duty to defend the mandate province?

The PRESIDENT. Yes.

Senator FALL. Then a qualified sovereignty would in that instance, at any rate, compel the mandatory of the league first to defend the colony?

The PRESIDENT. I should put it this way, Senator: We had in mind throughout the whole discussion of the mandate idea the analogy of trustees. The States taking those under mandates would be in the nature of trustees, and of course it is part of the trustee's duty to preserve intact the trust estate.

Senator FALL. But out of the funds of the trust estate?

The PRESIDENT. Oh, yes.

Senator FALL. Mr. President, I will not pursue that line at this time. I will say very frankly that I have prepared some questions which I wanted, for my own purposes, to put down in writing, and I had expected to ask them in sequence of you after the other Senators had concluded. It will, however, evidently take quite a long while if we pursue the line which we are now pursuing, and particularly if the Senators themselves argue their own interpretations of the different clauses in the treaty.

Senator McCUMBER. Mr. President, I should like to get as definite an understanding as I can, at least, of how these promises of Japan to return Shantung are evidenced to-day. In what form do they appear?

The PRESIDENT. They are evidenced in a procés-verbal of the so-called council of four—the name that we ourselves used was very much more pretentious; we called ourselves the council of the principal allied and associated powers—but the four who used to confer, or rather the five, because Japan was there of course at that time.

Senator McCUMBER. The principal points were taken down in writing and read over and compared and preserved, were they?

The PRESIDENT. Not read over and compared, but preserved. The process each day was this, Senator: The matters discussed were summarized, and the conclusions reached were recorded in a procès-verbal, copies of which were distributed within 24 hours; and of course it was open to any one of the conferees to correct anything they might contain. Only in that sense were they corrected.

Senator McCUMBER. Where are those records kept now?

The PRESIDENT. They are in Paris, sir.

Senator McCUMBER. Is there any objection to their being produced for the committee?

The PRESIDENT. I think there is a very serious objection, Senator. The reason we constituted that very small conference was so that we could speak with the utmost absence of restraint, and I think it would be a mistake to make use of those discussions outside. I do not remember any blazing indiscretion of my own, but there may be some.

Senator McCUMBER. In those conversations it was fully understood that Japan was to return Shantung as soon as possible?

The PRESIDENT. Yes, sir.

Senator McCUMBER. Was there anything stated as to what was meant by "as soon as possible"—that is, to place it within any definite period at all?

The PRESIDENT. No, sir; no. We relied on Japan's good faith in fulfilling that promise.

Senator MCCUMBER. Was there anything outside? If I go too far in my questions you can signify it, Mr. President.

The PRESIDENT. How do you mean outside, Senator?

Senator MCCUMBER. Was there anything said by Japan as to anything that she would want to do before she turned the territory over to China?

The PRESIDENT. No; nothing was mentioned.

Senator MCCUMBER. Then "as soon as possible" would naturally mean, would it not, as soon as the treaty has been signed under which she accepts the transfer from Germany?

The PRESIDENT. Well, I should say that it would mean that the process should begin then. Of course there would be many practical considerations of which I know nothing that might prolong the process.

Senator MCCUMBER. And all that Japan reserves is the same that other great nations have reserved—certain concessions?

The PRESIDENT. A residential concession and economic concessions; yes, sir.

Senator MCCUMBER. The same as Great Britain and France and other countries have retained there?

The PRESIDENT. Yes; and I ought to say that the representatives of Japan showed every evidence of wishing to put the matter upon just the same basis that the dealings of other nations with China have rested upon for some time.

Senator MCCUMBER. The whole purpose of my question, Mr. President, is to satisfy my mind, if I can, that Japan will in good faith carry out her agreement.

The PRESIDENT. I have every confidence that she will, sir.

Senator POMERENE. Mr. President, if I may, I should like to ask a question or two along that same line. If this treaty should fail of ratification, then would not the opportunity be open to Japan to treat the Shantung question just as she has treated the Manchurian situation?

The PRESIDENT. I think so; yes.

Senator POMERENE. So that if the treaty should fail of ratification, China, so far as Shantung is concerned, would be practically at the mercy of Japan; whereas if the treaty is ratified, then at least she will have the benefit of the moral assistance of all the other signatory powers to the treaty to aid in the protection of Chinese rights?

The PRESIDENT. Senator, I conceive one of the chief benefits of the whole arrangement that centers in the league of nations to be just what you have indicated—that it brings to bear the opinion of the world and the controlling action of the world on all relationships of that hazardous sort, particularly those relationships which involve the rights of the weaker nations. After all, the wars that are likely to come are most likely to come by aggression against the weaker nations. Without the league of nations they have no buttress or protection. With it, they have the united protection of the world; and inasmuch as it is the universal opinion that the great tragedy through which we have just passed never would have occurred if the Central Powers had dreamed that a number of nations would be

combined against them, so I have the utmost confidence that this notice beforehand that the strong nations of the world will in every case be united will make war extremely unlikely.

Senator MOSES. Mr. President, are these procès verbaux to be deposited anywhere as a matter of public record?

The PRESIDENT. That had not been decided, Senator. Of course, if they were deposited as a matter of public record, there would be certain very great disadvantages.

Senator MOSES. Are they to be deposited with the secretariat of the league of nations?

The PRESIDENT. No, sir.

Senator MOSES. Without some such depository, how otherwise would this engagement of Japan, as embodied in the procès verbal, be brought forward for enforcement?

The PRESIDENT. There would be as many copies of the procès verbal as there were members of the conference in existence much longer than the time within which we shall learn whether Japan will fulfill her obligations or not.

Senator MOSES. You mean in the private papers of the personnel of the council of four?

The PRESIDENT. I would not call them private papers. I have a copy, Senator. I regard them as a public trust, not private papers, and I can assure you that they will not be destroyed.

Senator MOSES. Suppose that each member of the council of four had passed out of office, out of any position of power, at a time when it became evident that Japan was not keeping the engagement as it was embodied in the procès verbal on the day when this record was made, in what manner would you expect that engagement to be brought forward for enforcement?

The PRESIDENT. I should deem it my duty—I can not speak for the others—to leave those papers where they could be made accessible.

Senator POMERENE. Mr. President, I have another question or two on the Shantung proposition that I should like to ask, if I may.

Assuming for the sake of the argument that there were to be some undue delay on the part of Japan in turning back to China her rights in Shantung, and that China were to make complaint to the council provided for in the league of nations, have you any doubt but that it would be taken up promptly by all the members of that council for their consideration and determination?

The PRESIDENT. No, sir; I have not any doubt of it.

Senator POMRENE. Another question: On yesterday Dr. Millard was before the committee, and he made the statement that there were 20 regional understandings similar to the Monroe doctrine. I desire to say, however, that in answer to a question——

The PRESIDENT. Did he name any of them?

Senator POMERENE. I asked him some questions afterwards, and in explanation he qualified that statement by saying that these were written agreements somewhat akin to the Lansing-Ishii agreement, so-called, and as to these with relation to China a part of them were as between Japan and China, and a part as between Great Britain and China; and he instanced the secret agreement with Japan respecting Shantung. What I desired to ask was this: Did any information come to the commission indicating that there were any regional understandings similar to the Monroe doctrine?

The PRESIDENT. None, whatever. The only agreements that I can imagine he was referring to are contained in the exchanges of notes which occurred between the Japanese and Chinese Governments in 1915 and 1918 with regard to the method and conditions of the return of Shantung Province to China.

Senator HITCHCOCK. Mr. President, I think it should be said also that later on in his testimony, either in answer to a question by Senator Pomerene, or perhaps in response to a question by Senator Swanson, while the witness, Dr. Millard, stated that he deemed them regional understandings—those that he had in mind—he said very emphatically that they were totally unlike the Monroe doctrine, and would not come under that category.

The PRESIDENT. And in his sense every treaty that concerns territory anywhere affects a region, and is a regional understanding; but that is a very broad and vague meaning to attach to the word.

Senator JOHNSON of California. Mr. President, I am quite hesitant about asking certain questions which I wish to ask. I apologize in advance for asking them, and I trust you will stop me at once if they are questions which you deem inappropriate, or that ought not to be asked.

The PRESIDENT. Thank you.

Senator JOHNSON of California. First, we have pending now treaties of peace with Austria, with Hungary, with Bulgaria, and with the Ottoman Empire, all of which involve tremendous new territorial adjustments; and under those new territorial adjustments we will have our obligations, moral or otherwise, under the league of nations, of course. The new territorial adjustments about to be determined upon in these various treaties are really greater in extent, or quite as important, at least, as those that are provided for by the German treaty; are they not?

The PRESIDENT. I should say so; yes.

Senator JOHNSON of California. They will deal not only with the creation of the boundaries of new nations, but possibly with the subject of mandatories, too?

The PRESIDENT. Well, the treaties will not themselves deal with the mandatories. That is a matter that will be decided by the league.

Senator JOHNSON of California. Oh, yes.

The PRESIDENT. But the treaties will no doubt create certain territories which fall under the trusteeship which will lead to mandatories.

Senator JOHNSON of California. So that there is a very important—in fact, the most important—part of the territorial world settlement yet to be made?

The PRESIDENT. Well, in extent, yes, Senator; so far as the amount of territory covered is concerned, yes.

Senator JOHNSON of California. Not only in extent, but in their character, and in the numbers of peoples involved, too, Mr. President. Is not that accurate?

The PRESIDENT. Well, you may be right, Senator; I do not know.

Senator JOHNSON of California. I think you answered to Senator Borah the question I am about to ask, so pardon me if it is repetitive. It is this: Was the United States Government officially informed, at

any time between the rupture of diplomatic relations with Germany and the signing of the armistice, of agreements made by the allied Governments in regard to the settlement of the war?

The PRESIDENT. No; not so far as I know.

Senator JOHNSON of California. So far as you are aware, was it unofficially informed during that period?

The PRESIDENT. I would be more clear in my answer, Senator, if I knew just what you were referring to.

Senator JOHNSON of California. I am referring to the so-called secret treaties which disposed of territory among the belligerents.

The PRESIDENT. You mean like the treaty of London?

Senator JOHNSON of California. Yes; like the London pact.

The PRESIDENT. No; no, sir.

Senator JOHNSON of California. Could you state whether or not any official investigation was made by our Government to ascertain whether or not there were any such treaties of territorial disposition?

The PRESIDENT. There was no such investigation.

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Senator BORAH. I would be content to have it left out of the notes upon your request; but I am afraid it would still get to the public, and that would put us in an embarrassing position.

The PRESIDENT. It is not an explanation discreditable to anybody, but it is an international secret. I am quite at liberty to say that the United States financial representatives—who. by the way, made an

The PRESIDENT. None, whatever. The only agreements that I can imagine he was referring to are contained in the exchanges of notes which occurred between the Japanese and Chinese Governments in 1915 and 1918 with regard to the method and conditions of the return of Shantung Province to China.

Senator HITCHCOCK. Mr. President, I think it should be said also that later on in his testimony, either in answer to a question by Senator Pomerene, or perhaps in response to a question by Senator Swanson, while the witness, Dr. Millard, stated that he deemed them regional understandings—those that he had in mind—he said very emphatically that they were totally unlike the Monroe doctrine, and would not come under that category.

The PRESIDENT. And in his sense every treaty that concerns territory anywhere affects a region, and is a regional understanding; but that is a very broad and vague meaning to attach to the word.

Senator JOHNSON of California. Mr. President, I am quite hesitant about asking certain questions which I wish to ask. I apologize in advance for asking them, and I trust you will stop me at once if they are questions which you deem inappropriate, or that ought not to be asked.

The PRESIDENT. Thank you.

Senator JOHNSON of California. First, we have pending now treaties of peace with Austria, with Hungary, with Bulgaria, and with the Ottoman Empire, all of which involve tremendous new territorial adjustments; and under those new territorial adjustments we will have our obligations, moral or otherwise, under the league of nations, of course. The new territorial adjustments about to be determined upon in these various treaties are really greater in extent, or quite as important, at least, as those that are provided for by the German treaty; are they not?

The PRESIDENT. I should say so; yes.

Senator JOHNSON of California. They will deal not only with the creation of the boundaries of new nations, but possibly with the subject of mandatories, too?

The PRESIDENT. Well, the treaties will not themselves deal with the mandatories. That is a matter that will be decided by the league.

Senator JOHNSON of California. Oh, yes.

The PRESIDENT. But the treaties will no doubt create certain territories which fall under the trusteeship which will lead to mandatories.

Senator JOHNSON of California. So that there is a very important—in fact, the most important—part of the territorial world settlement yet to be made?

The PRESIDENT. Well, in extent, yes, Senator; so far as the amount of territory covered is concerned, yes.

Senator JOHNSON of California. Not only in extent, but in their character, and in the numbers of peoples involved, too, Mr. President. Is not that accurate?

The PRESIDENT. Well, you may be right, Senator; I do not know.

Senator JOHNSON of California. I think you answered to Senator Borah the question I am about to ask, so pardon me if it is repetitive. It is this: Was the United States Government officially informed, at

any time between the rupture of diplomatic relations with Germany and the signing of the armistice, of agreements made by the allied Governments in regard to the settlement of the war?

The PRESIDENT. No; not so far as I know.

Senator JOHNSON of California. So far as you are aware, was it unofficially informed during that period?

The PRESIDENT. I would be more clear in my answer, Senator, if I knew just what you were referring to.

Senator JOHNSON of California. I am referring to the so-called secret treaties which disposed of territory among the belligerents.

The PRESIDENT. You mean like the treaty of London?

Senator JOHNSON of California. Yes; like the London pact.

The PRESIDENT. No; no, sir.

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admirable impression upon everybody over there—did advocate the fixing of a definite sum for reparation.

Senator FALL. Mr. President, may I ask, to clear up a difficulty in my own mind, whether you regard the answering of these questions as an indiscretion because of the fact that there are other negotiations pending which might be affected?

The PRESIDENT. Oh, no, sir; simply because they affect the internal political affairs of other countries.

Senator FALL. Then, in your judgment, these matters should never be given publicity?

The PRESIDENT. Matters of this sort.

Senator FALL. I say, matters of this sort that have been referred to, should, in your judgment, never be given publicity; and it is not because of pending or other negotiations?

The PRESIDENT. Oh, no; I think they should not be given publicity.

Senator JOHNSON of California. I thank you very much, Mr. President. That is all I desire to ask.

The PRESIDENT. You have been very considerate in putting your questions.

Senator FALL. Mr. President, as I suggested, I have prepared several written questions, for the purpose of concentrating my own ideas, and several of them, I may say, are somewhat in sequence, and I feel that if we are going to hold hearings all day—that is, if we are all going to have the time and do not get into arguments among ourselves—possibly it might be just to you to submit these questions, as I have prepared them, to you first, and allow you to look them over before I pursue the line of inquiry. However, that is, of course, entirely with you. They do not all refer directly to provisions of the treaty nor to the construction of the treaty, but to other matters relating to the treaty.

Senator JOHNSON of California. Before you do that, Senator, with the President's permission may I ask one or two more questions concerning Shantung which I omitted or forgot?

The PRESIDENT. Certainly, Senator.

Senator JOHNSON of California. First, did Japan decline to sign the award as made or provided in the peace treaty?

The PRESIDENT. Her representatives informed us, Senator, that they were instructed not to sign in that event.

Senator JOHNSON of California. Was the determination finally reached a balancing of the difficulties or the disadvantages that might arise because of the balancing of those advantages or disadvantages?

The PRESIDENT. I do not know that I could answer that either "yes" of "no," Senator. It was a matter of many conversations and of many arguments and persuasions.

Senator JOHNSON of California. Was the decision reached—if you will pardon the perfectly blunt question—because Japan declined to sign unless that decision was reached in that way?

The PRESIDENT. No; I do not think it would be true to say "yes" to that question. It was reached because we thought it was the best that could be got, in view of the definite engagements of Great Britain and France, and the necessity of a unanimous decision, which we held to be necessary in every case we have decided.

Senator JOHNSON of California. Great Britain and France adhered to their original engagements, did they not?

The PRESIDENT. They said that they did not feel at liberty to disregard them.

Senator JOHNSON of California. And you, Mr. President, were the one who was endeavoring to determine—I gather this from the news dispatches—the question upon its merits and its justice.

The PRESIDENT. Our Government was the only Government free under the circumstances; yes.

Senator JOHNSON of California. Yes, sir. Do you mind stating, or would you prefer not, what it was that caused you ultimately to accede to the decision that was demanded by Japan?

The PRESIDENT. Only the conclusion that I thought that it was the best that could be got under the circumstances.

Senator BRANDEGEE. May I interpolate there without disturbing you, Senator Johnson?

Senator JOHNSON of California. Yes, sir.

Senator BRANDEGEE. In Part 6 of the hearings before our committee, on page 182, Senator Johnson of California questioned Secretary Lansing. (Reading:)

Senator JOHNSON of California. Was the Shantung decision made in order to have the Japanese signatures to the league of nations?

Secretary LANSING. That I can not say.

Senator JOHNSON of California. In your opinion was it?

Secretary LANSING. I would not want to say that, because I really have not the facts on which to form an opinion along that line.

Senator JOHNSON of California. Would the Japanese signatures to the league of nations have been obtained if you had not made the Shantung agreement?

Secretary LANSING. I think so.

Senator JOHNSON of California. You do?

Secretary LANSING. I think so.

Senator JOHNSON of California. So that even though Shantung had not been delivered to Japan, the league of nations would not have been injured?

Secretary LANSING. I do not think so.

Senator JOHNSON of California. And you would have had the same signatories that you have now?

Secretary LANSING. Yes; one more, China.

Senator JOHNSON of California. One more, China. So that the result of the Shantung decision was simply to lose China's signature rather than to gain Japan's?

Secretary LANSING. That is my personal view, but I may be wrong about it.

Senator JOHNSON of California. Why did you yield on a question on which you thought you ought not to yield and that you thought was a principle?

Secretary LANSING. Because naturally we were subject to the direction of the President of the United States.

Senator JOHNSON of California. And it was solely because you felt that you were subject to the decision of the President of the United States that you yielded?

Secretary LANSING. Yes.

Senator JOHNSON of California. The decision is his?

Secretary LANSING. Necessarily.

Now, I wondered whether Secretary Lansing was well informed about this question or not?

The PRESIDENT. Well, my conclusion is different from his, sir.

Senator BRANDEGEE. You could not have got the signature of Japan if you had not given Shantung?

The PRESIDENT. That is my judgment.

Senator BRANDEGEE. You say you were notified to that effect?

The PRESIDENT. Yes, sir.

Senator SWANSON. As I understand, you were notified that they had instructions not to sign unless this was included.

The PRESIDENT. Yes.

Senator BORAH. And was it your judgment that after the treaty had been ratified, China's rights would be protected and Japan would surrender to China what she said she would?

The PRESIDENT. Yes.

Senator SWANSON. As I understand it, you consider this verbal agreement effective as relating to Shantung and you understood that this conveyance would be followed by a conveyance to China.

The PRESIDENT. Not to supersede it, but the action by Japan is to follow.

Senator JOHNSON of California. I beg your pardon, what was your question?

Senator SWANSON. The conveyance or retransfer of the German possessions in Shantung is to be followed by Japan's conveyance of this back to China, according to this agreement. One is as effective as the other.

Senator JOHNSON of California. Yes; but, Mr. President, you would have much preferred to have a different disposition, notwithstanding the promise of Japan in the treaty, would you not?

The PRESIDENT. Yes, sir.

Senator Fall, would this be a practical suggestion? I have no objection to sitting here all day. Indeed, I have taken the liberty of having lunch prepared, if the gentlemen of the committee would be kind enough to join me. But since your questions are written, perhaps you might leave them with me and let me give such answers as I feel I can.

Senator FALL. Precisely, Mr. President. I can say to you, sir, that I prepared the questions with some care for the purpose of informing myself, and I think that it might not be entirely fair to you to answer offhand a series of questions, when I have the theory in mind along which I am propounding the questions—that is, one may lead to another—and I think it would be only fair to you that you might have the questions so you can read them and follow it.

The PRESIDENT. Will you state the theory at the top [laughter]?

Senator FALL. There are two or three theories. The first question that I would like to ask is, "In your judgment have you not the authority by proclamation to declare in words that peace exists, and thus restore the status of peace between the Government and the people of this country and those with whom we declared war?" If you choose, I will read the following question.

The PRESIDENT. That sets the key to them, I suppose.

Senator FALL. To several of them. Then there are others along other lines, one of which leads to another.

The PRESIDENT. I would be happy to answer them as far as I can.

Senator FALL. That can be done later or now, just as you please.

Senator WILLIAMS. Suppose we take a recess.

The CHAIRMAN. I do not know whether there are any more questions.

The PRESIDENT. I had thought that I would send you in the replies.

Senator FALL. That would certainly be satisfactory to me. You would have no objection to the same publicity that is being given now?

The PRESIDENT. No.

Senator FALL. There are two or three different lines of questions.

Senator MCCUMBER. You would probably get more clear information if you take that method.

Senator FALL. I think so. They are not in any sense, Mr. President, prepared as catch questions, otherwise I would not submit them to you. If you were on the stand, and I were cross-examining you as a witness, I would prefer not to let you see the whole series of questions. But I think that is fair, and so far as I am concerned if it is satisfactory to you it would be more satisfactory to me.

Senator BRANDEGEE. In reply to Senator Lodge's inquiry I jotted down a few questions at random with the idea of asking some if they had not been touched upon by other members of the committee. I have some that I would like to ask, but I want to conform to the convenience of the President and the committee as to when it shall be done. I do not mean to delay you on your luncheon hour or anything of that kind.

The PRESIDENT. The luncheon hour is 1 o'clock, and I was in hopes that you gentlemen would remain for lunch.

Senator BRANDEGEE. I do not want to absorb the remaining time if other Senators want to go on now. I am perfectly willing to wait until they are finished.

Senator HARDING. I would like to hear your questions.

Senator BRANDEGEE. I am not sure what questions I will ask except I made some notes.

Senator WILLIAMS. I would rather come back to-morrow morning at half past 10.

Senator HITCHCOCK. We have an engagement to-morrow morning for the committee.

The CHAIRMAN. I think we must have some consideration for the President's time.

Senator HARDING. I just want to reserve one question.

Senator BRANDEGEE. Do you not want to ask it now?

The CHAIRMAN. We have until 1 o'clock.

Senator BRANDEGEE. I have here the President's statement which he read to us when we met here this morning, and in it he states:

> Nothing, I am led to believe, stands in the way of the ratification of the treaty except certain doubts with regard to the meaning and implication of certain articles of the covenant of the league of nations; and I must frankly say that I am unable to understand why such doubts should be entertained.

Now, I do not believe the President is correctly informed as to the situation if he believes that. There are things in the treaty itself which militate against the ratification, in my opinion, of the treaty without amendment. Did you have in mind, Mr. President, when you read that to us, the Shantung provision of the treaty?

The PRESIDENT. I certainly had that in mind, Senator, but I did not understand that that stood in the way of ratification. I am, of course, acting only upon such information as I have received.

Senator BRANDEGEE. I understand—and that is the reason of taking the liberty of suggesting to you that you may not be well informed in this respect. Of course there is opposition by a great many Senators to the entire covenant of the league of nations, which I have no doubt you know, that is, article 1 of the treaty of Ver-

sailles. Then there is opposition to the various parts of the covenants of the league and not to the whole league, by other Senators. Then there is a great opposition, fundamental and sincere, to the Shantung provision, which is in the body of the treaty itself, and which can only be cured by an amendment. As I understand it, no reservation that we could make in the resolution of ratification would be effective to strike out the Shantung provision. It must be cured, if it is cured, by a straight out-and-out amendment, striking that from the treaty. That, of course, would necessitate the resubmission of the treaty to the signatories who have already signed it.

Now, you state later on that every suggestion of the United States was accepted, that is after you went back, after you had your conference with us last March, and having obtained our views as to the necessity for certain changes in the first draft of the covenant, you state [reading]:

> The view of the United States with regard to the questions I have mentioned had, in fact, already been accepted by the commission and there was supposed to be nothing inconsistent with them in the draft of the covenant first adopted.

And omitting a few lines which do not apply to that you say [reading]:

> There was absolutely no doubt as to the meaning of any one of the resulting provisions of the covenant in the minds of those who participated in drafting them, and I respectfully submit that there is nothing vague or doubtful in their wording.

Of course that is your opinion, if I may say so.

The PRESIDENT. Yes, sir.

Senator BRANDEGEE. But you are familiar with the statements, I have no doubt, that ex-Senator Root, Chief Justice Hughes, Mr. Taft, and other able lawyers of the country have made with respect to the necessity for reservations if we are to ratify the treaty, are you not?

The PRESIDENT. Yes, sir.

Senator BRANDEGEE. That is, you admit that there are grave doubts among the ablest lawyers of the country as to the necessity for reservations or the alternative between reservations and ratifying the whole treaty, as it is expressed in the vernacular, without the dotting of an "i" or the crossing of a "t."

The PRESIDENT. I admit that there are those difficulties in a great many minds.

Senator BRANDEGEE. Now, of course, it is true, is it not, that if difficulties arise as to the construction of any provision of the treaty after we have passed from the scene, what we thought the provisions of the treaty or of the covenent meant, will not be very powerful in the construction that may be placed upon it by those who then have to determine what it means, will it?

The PRESIDENT. The vote of the United States will be essential.

Senator BRANDEGEE. I do not mean that. The fact that you think now that everything in the treaty is plain and that there is no doubt about the meaning of any provisions, and the fact that I think there is grave doubt about many of the provisions, will not seriously affect the opinion of the council or of the arbitrator that finally passes upon the true meaning of the treaty when dispute arises.

The PRESIDENT. No, Senator; but the plain wording of the treaty will have a great deal to do, and the meaning of the wording is plain.

Senator BRANDEGEE. That is simply another way of stating, is it not, that you are clear in your opinion that the provisions of the treaty are plain? But I am suggesting that there will be a dispute between nations as to what the treaty means after we have passed from the scene.

The PRESIDENT. No, sir; it is a question of being confident of what language means, not confident of an opinion.

Senator BRANDEGEE. I mean, we derive our opinions as to the meanings of the treaty from the language of the treaty, do we not?

The PRESIDENT. Yes.

Senator BRANDEGEE. Now they would derive their construction of what the treaty means from the language of it, we not being there?

The PRESIDENT. Yes.

Senator BRANDEGEE. So that what we think about it now will not be determinative in an international court or before an arbitrator 20 years hence in case of a dispute between two nations as to the meaning of the treaty?

The PRESIDENT. Certainly not, but the language will.

Senator BRANDEGEE. Of course they will have the language before them, but the language which determines it is now in dispute between you and certain lawyers of the country and certain Senators as to its meaning. Now what provision is there in the treaty for the determination of a dispute as to the interpretation of a clause of the treaty if such dispute arises?

The PRESIDENT. The covenant states that there are certain questions which are acknowledged as being especially suitable for submission to arbitration. One of those is the meaning of the treaty.

Senator BRANDEGEE. What does the treaty provide about that?

The PRESIDENT. You have it there, sir.

Senator BRANDEGEE. Yes, sir; I wondered if you remembered it.

The PRESIDENT. I think I do so, but you have the language.

Senator BRANDEGEE. Yes. Article 12 of the league provides [reading]:

> The members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

That is, if there is a dispute, as I construe this, between members of the league as to the meaning of the covenant or any article thereof, it shall be referred to the arbitrators.

The PRESIDENT. Only if the parties agree.

Senator BRANDEGEE. Or to the council?

The PRESIDENT. Or to the council; yes.

Senator BRANDEGEE. That is, the council is to determine the meaning of the covenant?

The PRESIDENT. No, Senator; I beg your pardon. There are two processes. If the parties agree to submit to arbitration, of course it is submitted to arbitration, and the decision is final. If they think it is a question that they are not willing to submit to arbitration, then they must submit it to the council for an expression of opinion and a recommendation, but that opinion and recommendation do not bind.

Senator BRANDEGEE. Is there any possible way authoritatively of determining without war what the treaty means?

The PRESIDENT. That is true of every treaty, Senator. If you re-express it in the language of the Senators to whom you refer and there is a dispute about the meaning of that, the same would apply. You can not use any language, I assume, which could not possibly give rise to some sort of dispute.

Senator BRANDEGEE. I assume that if it provided that if there should arise between the members of the league any dispute in relation to the construction of any article of the covenant of the league of nations, such dispute should be referred to an arbitrator, and the members would agree to be bound by its decision; that would be an agreement for an authoritative determination of what the treaty meant.

The PRESIDENT. Yes.

Senator BRANDEGEE. Now, as it is they will submit the matter either to arbitration or to inquiry by the council, and so forth. Now, you say that the opinion of the council to which the dispute has been submitted is only advisory?

The PRESIDENT. Yes, sir.

Senator BRANDEGEE. Then suppose one party to the dispute against whom the council decides declines to abide by it?

The PRESIDENT. Then there is war, but not within three months of the opinion of the council.

Senator BRANDEGEE. Under article 10 the members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. That is a contract between the signatories. We say: "We undertake to preserve the territorial integrity of the members against external aggression," which means that we contract to do it, does it not?

The PRESIDENT. We engage to do it.

Senator BRANDEGEE. It means an international contract, does it not, a compact, an agreement?

The PRESIDENT. Yes.

Senator BRANDEGEE. Whether that is a moral or legal obligation, it is an obligation?

The PRESIDENT. Yes.

Senator BRANDEGEE. Of course, it is a moral duty to keep a promise, and this is an international promise; so that the distinction between a moral obligation and a legal one seems to me to be not of great importance, because we are obligated in any event.

The PRESIDENT. Pardon me; I think it is of the greatest importance, because the element of judgment enters into it as it does not in the other.

Senator BRANDEGEE. You mean the judgment as to whether or not it is a moral obligation?

The PRESIDENT. No. For example, a question is submitted to arbitration and it is agreed that the decision shall be final. The judgment of one of the parties to the controversy may be that the decision is a very bad one, but it has to accept it; the element of judgment is excluded altogether; but, with regard to the method of fulfilling the obligations of a covenant like that under consideration there is freedom of judgment on the part of the individual members of the league. It seems to me that makes a very considerable difference.

Senator HARDING. Will the Senator permit me to interrupt right there?

Senator BRANDEGEE. I will.

Senator HARDING. I dislike to interrupt the Senator.

Senator BRANDEGEE. I yield to the Senator.

Senator HARDING. The President expressed a while ago surprise that I raised a question as to the value of this compact because of the moral obligation feature. Let me premise by the statement that I look upon a moral obligation as that which the conscience of the contracting party impels. The conscience of any nation in Europe, for example, may be warped by its prejudices, racial, geographical, and otherwise. If that be true and any nation may put aside or exercise its judgment as to the moral obligation in accepting any recommendation of the league, really what do we get out of this international compact in the enforcement of any decree?

The PRESIDENT. We get the centering upon it generally of the definite opinion of the world, expressed through the authoritative organs of the responsible governments.

Senator HARDING. Another question: That is surrendering the suggestion of a moral obligation for this Republic to the prejudices or necessities of the nations of the Old World, is it not?

The PRESIDENT. I do not understand that we make such a surrender.

Senator HARDING. Would you not understand a decree by the council to be a suggestion of this moral obligation?

The PRESIDENT. Certainly I would, but we would have to concur in that before it had any force of any kind.

Senator HARDING. Would it not be quite as moral for this Republic itself to determine its moral obligations?

The PRESIDENT. Undoubtedly, Senator; but in the meantime the world would not have the knowledge before it that there will be concerted action by all the responsible governments of the world in the protection of the peace of the world. The minute you do away with that assurance to the world you have reached the situation which produced the German war.

Senator HARDING. What becomes of our standing among nations if the council fixes a moral obligation upon us and we reject the judgment of the council as to the moral obligation?

The PRESIDENT. Pardon me if I remind you that we always have to concur in that.

Senator HARDING. Precisely; but the council state what constitutes the moral obligation, if we agree; but if we do not agree, then, in the eyes of the world we have rejected its judgment as to a moral obligation.

The PRESIDENT. Certainly; and I hold that we are at liberty to do that, if our moral judgment honestly differs from the moral judgment of the world.

Senator HARDING. Then, let us go back to the original inquiry. What permanent value is there, then, to this compact?

The PRESIDENT. The greatest permanent value, Senator, is the point that I have raised. We are assuming that the United States will not concur in the general moral judgment of the world. In my opinion, she generally will. If it had been known that this war was coming on, her moral judgment would have concurred with that of

the other Governments of the world, with that of the other peoples of the world; and if Germany had known that there was a possibility of that sort of concurrence, she never would have dared to do what she did. Without such notice served on the powers that may wish to repeat the folly that Germany commenced, there is no assurance to the world that there will be peace even for a generation, whereas if they know beforehand that there will be that concert of judgment, there is the most tremendous guaranty.

Senator HARDING. But, Mr. President, nobody expressed for us our moral obligation to enter into this war. That was our own expression, was it not?

The PRESIDENT. Certainly; it was our concurrence in the judgment of the world.

Senator HARDING. One of the points I am getting at, if I can make it clear, is the necessity of a written compact for this Republic to fulfill its moral obligations to civilization.

The PRESIDENT. Senator, this Republic, if I interpret it rightly, does not need a suggestion from any quarter to fulfill its moral obligations.

Senator HARDING. I quite agree with that.

The PRESIDENT. But it steadies the whole world by its promise beforehand that it will stand with other nations of similar judgment to maintain right in the world.

Senator FALL. Mr. President, then if the commissioner of the United States on the council were to join with the other members of the council in fixing a moral obligation upon the United States, and the Congress and the President, acting as part of the legislative branch of the Government, were to reject that judgment, would it not have a very disastrous effect upon the league, throw the world into chaos, and undo all that has been done?

The PRESIDENT. It might; but you are assuming a case——

Senator FALL. Certainly; we have to assume cases.

The PRESIDENT. Where we would have to assume that responsibility, because, being part of the Government, we would in every case really express the judgment of the American people, and if the unhappy time should ever come when that judgment is against the judgment of the rest of the world we would have to express it.

Senator FALL. Certainly. Mr. President, I am possibly looking, as Bacon said, at a distance.

Senator MCCUMBER. Would our moral conviction of the unrighteousness of the German war have brought us into this war if Germany had not committed any acts against us, without the league of nations, as, of course, we had no league of nations at that time?

The PRESIDENT. I hope it would eventually, Senator, as things developed.

Senator MCCUMBER. Do you think if Germany had committed no act of war or no act of injustice against our citizens that we would have gotten into this war?

The PRESIDENT. I do think so.

Senator MCCUMBER. You think we would have gotten in anyway?

The PRESIDENT. I do.

Senator BRANDEGEE. If I may be allowed to resume, for I kept still all morning——

Senator FALL. If the Senator will pardon me a moment, I am going to ask the President to excuse me, as I have an engagement.

The PRESIDENT. I am sorry, Senator, that you are obliged to leave.

Senator FALL. I regret, sir, that I have an engagement with my wife, who is not in very good health.

Senator BRANDEGEE. Now, if I may proceed without interruption, which breaks the continuity of my thought and uses a great deal of time, I will be through in a very few minutes. As I understand the President, his construction of article 10 is that if the council considers the question of external aggression upon a member of the league, we, having signed this treaty with article 10 in it, in which we undertake to preserve against external aggression the territorial integrity of all members of the league, can then say, it is a moral question into which the element of judgment enters and we, considering our judgment binding at the time, do not care to agree to the recommendation of the council. If every member of the league is at liberty to take that view of its moral and legal obligations under article 10, and declines to do what the council recommends, and if it is known in advance that that is the construction placed upon article 10 by those who framed it, it does not seem to me—and this is merely my opinion—that the terror to wrongdoers by what is hoped to be the united, concerted action of the members of the league in the concentration of its powers to suppress the wrongdoer will have the effect that the President thinks it will. In other words, I do not think that Germany would have refrained from war if she had known that article 10 was in existence.

Article 10 says:

> In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

There is no doubt that that is an obligation in a contract, and I know of but one way to perform an obligation that you have contracted to perform, and that is to perform it. I do not think that it admits of any qualifications after you sign the treaty. I want to call attention also to the fact that the external aggression which we undertake, if we sign this treaty, to repel or guarantee against is not stated in the treaty at all to be an unwarranted aggression. I wish to ask the President if the league were in existence and Hungary and Roumania were members of it, and Roumania were in the position she now is, having raided the territorial integrity of Hungary and marched through its capital and occupied it, and the council, as its duty would be under the covenant, considered what was best to be done and advised us to send immediately to cooperate with them 100,000 men, whether we would be at liberty to discuss whether we were morally bound by article 10 of the covenant and decline to send the men, and, if we were, could we do it without risking being called an "international slacker" by the other members of the league?

The PRESIDENT. Senator, since you have made the case a concrete one I am afraid I ought not to answer it, because it involves a judgment as between Roumania and Hungary.

Senator BRANDEGEE. I withdraw the names of the two countries, and assume the circumstances.

The PRESIDENT. Let me say that I take it for granted that in practically every case the United States would respond; but that does not seem to be the question. I quite agree with you that a moral obligation is to be fulfilled, and I am confident that our Nation will

fulfill it, but that does not remove from each individual case the element of judgment which we are free to exercise in two stages: We are, first, free to exercise it in the vote of our representative on the council, who will of course act under instructions from the home Government; and, in the second place, we are to exercise it when the President, acting upon the action of the council, makes his recommendation to Congress. Then, Congress is to exercise its judgment as to whether or not the instructions of the Executive to our member of the council were well-founded, and whether the case is one of distinct moral obligation.

Senator BRANDEGEE. Suppose that each member of the council, as you say, acting under instructions from its home Government, including our representative on the council, should think, for instance, that Rumania was entirely right in some invasion of Hungary, and public sentiment was that way, but that our Government instructed our representative to vote with the foreign members of the council to support Hungary—suppose the public sentiment of the other members and of the people of this country were in favor of Roumania, what sort of a position would we be in to fulfill our guaranty?

The PRESIDENT. In order to answer that question I must go a little bit afield. In the first place, I understand that article to mean that no nation is at liberty to invade the territorial integrity of another. That does not mean to invade for purposes of warfare, but to impair the territorial integrity of another nation. Its territorial integrity is not destroyed by armed intervention; it is destroyed by the retention of territory, by taking territory away from it; that impairs its territorial integrity. I understand the covenant to mean that that is in no case permissible by the action of a single nation against another; that there is only one permissible method and that is, if territorial arrangements are unsatisfactory, that they should be brought to the attention of the world through the league and that then the league should exercise such rights as it may be able to exercise for a readjustment of boundaries.

I believe that territorial aggression, in the sense of territorial capture, is, by the wording of the act, made illegitimate.

Senator BRANDEGEE. The words are not "territorial aggression," but "external aggression."

The PRESIDENT. But it says the preservation of its territorial integrity against external aggression.

Senator BRANDEGEE. Suppose the external aggressor, having gotten within the territory of the aggressee, stays there?

The PRESIDENT. Then that impairs the territorial integrity.

Senator BRANDEGEE. Certainly; and then on a call by the council for us to perform our international contract under article 10, if Congress does not favor performing it you think we would not be subject to criticism by the other members of the league?

The PRESIDENT. Oh, we might be subject to criticism; but I think Congress would be at liberty to form its own judgment as to the circumstances.

Senator BRANDEGEE. I agree with you entirely, and under our Constitution Congress would have to do so.

The PRESIDENT. Yes; that is understood by all.

Senator BRANDEGEE. Of course; but I am assuming if the council should advise us to do a certain thing, and Congress refused to do it—and if every nation's representative assembly can do the same thing,

it seems to me like a rope of sand and not an effective tribunal which would result in promoting peace.

The PRESIDENT. The reason I do not agree with you, Senator, is that I do not think such a refusal would likely often occur. I believe it would be only upon the gravest grounds—and in case Congress is right, I am indifferent to foreign criticism.

Senator BRANDEGEE. Of course, we would always think we were right, I assume. Now, I wish to call your attention to article 15. I do this simply because you think all these provisions are clear, and I want to say in that connection that we had Mr. Miller, who described himself as the technical expert or adviser to the American Peace Commission, especially, I think, on questions of international law.

The PRESIDENT. The League of Nations.

Senator BRANDEGEE. We had him before our committee, and he answered this question, that I am about to ask, in three different ways and we could not, of course, get much information from him; and he promised to take it under advisement and to give us his considered opinion, but he has not done so. Now, article 15, in the last two paragraphs provides.

> The council may in any case under this article refer the dispute to the assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the council.
>
> In any case referred to the assembly, all the provisions of this article and of article 12 relating to the action and powers of the council shall apply to the action and powers of the assembly, provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

Now, in the first place, it says "represented on the council and of a majority of the other members of the league." Does that mean that the various members of the league have got to act upon that as separate Governments, or does it mean the representatives of the other members of the league?

The PRESIDENT. I do not quite understand that question.

Senator BRANDEGEE. It says:

> A report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league.

Does that mean there "and a majority of the other representatives of members of the league in the assembly"?

The PRESIDENT. Yes; I assume so.

Senator BRANDEGEE. But it does not say so. It leaves it as though the members of the league could act independently of their representatives and the assembly.

The PRESIDENT. Oh, no.

Senator BRANDEGEE. I assume it means what you say.

The PRESIDENT. Yes; I assume that.

Senator BRANDEGEE. Very well. Now, the question: Supposing there were a dispute between the United States and that portion of the British Empire known as the United Kingdom—England, Ireland, Scotland, and Wales—as to some right of one of our ships to enter an English port, for instance, and that dispute should come before the

council, and, upon the request of Great Britain, it should be removed to the assembly. The article I have just read provides for a report concurred in "exclusive in each case of the representatives of the parties to the dispute."

The PRESIDENT. Yes.

Senator BRANDEGEE. Now, all the self-governing colonies of England, or at least five of them, have a vote in the assembly, and the British Empire also has a vote. I assume in the case of the dispute which I have supposed, of course, the United States would be excluded from voting, as being a party to the dispute; and I assume the British Empire would be excluded, but I am not sure.

The PRESIDENT. Yes, sir; that is what I assume.

Senator BRANDEGEE. Do you assume also that Australia, New Zealand, Canada, and India would be excluded?

The PRESIDENT. They are parts of the British Empire.

Senator BRANDEGEE. They are parts of the British Empire, but are they parties to the dispute which I have supposed to have arisen between us and England?

The PRESIDENT. I admit, Senator, that that is a complicated question; but my judgment about it is quite clear. I think I can give one instead of three answers.

Senator BRANDEGEE. Yes.

The PRESIDENT. Disputes can arise only through the Governments which have international representation. In other words, diplomatically speaking, there is only one "British Empire." The parts of it are but pieces of the whole. The dispute, therefore, in the case you have supposed, would be between the United States as a diplomatic unit and the British Empire as a diplomatic unit. That is the only ground upon which the two nations could deal with one another, whether by way of dispute or agreement. Therefore, I have assumed, and confidently assumed, that the representatives of all parts of the British Empire would be excluded.

Senator BRANDEGEE. I should think that would be only fair, and I would assume that; but Mr. Miller answered that question by saying first that he was in doubt; secondly, that the self-governing colonies of Great Britain or of the British Empire would not be excluded, because they were not parties to the dispute; and then, third, that they would be excluded because they were parts of the British Empire; and if the legal adviser of the commission was that much confused, I feel that I need not apologize for being confused myself.

The PRESIDENT. No; but the commission was not confused.

Senator KNOX. May I say this: I was not present at the meeting when Mr. Miller testified. The fact is that while it is technically true, as the President says, that the British self-governing colonies deal diplomatically through the British foreign office, it is only true in a most technical sense. They are absolutely autonomous, even in their diplomatic dealings, as to matters that affect them. For instance, I remember when the Canadian reciprocity agreement was negotiated in 1911, the delegates sent to negotiate the agreement were from Canada. Great Britain did not appear at the hearings or conferences at all, and in every sense Canada was just as autonomous in conducting her international negotiations as she would have been if she had been an absolutely independent government.

The PRESIDENT. Yes; but this, you see, Senator, is a combination of definite Governments that have definite international relations with each other.

Senator KNOX. But the fact that you give representation to Canada and Australia and New Zealand and other autonomous self-governing British colonies rather contradicts the idea, does it not, that they are one Government?

The PRESIDENT. I think not, sir; because in making up the constitution of the council it was provided, to speak with technical accuracy, that the five principal allied or associated Governments should each have one representative in the league; and in the opening paragraph of the treaty itself those powers are enumerated, and among others is the British Empire. "The Empire of Great Britain," I think, is the technical term. Therefore, their unity is established by their representation in the council.

Senator BRANDEGEE. Mr. President, I read from the treaty——

The CHAIRMAN. I was going to ask, if I may, what function do these five dominions of the British Empire have in the assembly?

The PRESIDENT. None, except the general powers of the assembly itself.

The CHAIRMAN. They have votes in the assembly?

The PRESIDENT. They have votes, but in a matter involving the British Empire, they would have but one vote among them.

The CHAIRMAN. But on all other matters, they would each have one vote?

The PRESIDENT. Yes.

Senator BRANDEGEE. I want to call the President's attention to the first page of the treaty with Germany, which says, after the preamble setting forth the desirability of the condition existing being replaced by a just and durable peace, "For this purpose, the high contracting parties represented as follows," and then it names them, and in the list is "His Majesty, the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, Emperor of India, by his duly accredited officials, and the Dominion of Canada, the Commonwealth of Australia, the Dominion of South Africa, the Dominion of New Zealand," etc. Now, they are "high contracting parties"?

The PRESIDENT. Yes.

Senator BRANDEGEE. And if one of those high contracting parties has a dispute with another of the high contracting parties, by what inference are other high contracting parties made parties to the dispute?

The PRESIDENT. I think by the inference that I thought I established, sir——

Senator BRANDEGEE. But, if you will allow me to say so, it does not say that these parties, the self-governing British colonies, shall be excluded from participating in the deliberations because they may have some interest in the controversy.

The PRESIDENT. No.

Senator BRANDEGEE. They must be parties to the dispute. Now, if we have a dispute with England about the right of an American ship to enter an English port, how can it be said that New Zealand or Australia is a party to that dispute?

The PRESIDENT. Because, Senator, in case of the worst coming to the worst, and war ensuing, we would be at war with all of them.

Senator BRANDEGEE. It may be that a blunder has been made in creating such a situation. It would not be determinative, in my opinion.

Now, on page 7 of the print that I have, which is Senate Document No. 49, Sixty-sixth Congress, first session, the last thing in the treaty is this statement:

> From the coming into force of the present treaty the state of war will terminate. From that moment and subject to the provisions of this treaty, official relations with Germany, and with any of the German States, will be resumed by the allied and associated powers.

The treaty itself provides that when Germany and three of the allied and associated powers have ratified the treaty it has come into force.

The PRESIDENT. As between those parties.

Senator BRANDEGEE. It does not say so.

The PRESIDENT. I beg your pardon, I think it does.

Senator BRANDEGEE. Here it is, Mr. President. [Handing pamphlet to the President.] I have read it, and there is no such language in it that I can discover.

The PRESIDENT. No; not the part that you read; I did not mean that; but in the part where the provision is referred to about ratification by Germany and three of the principal allied and associated powers.

Senator BRANDEGEE. I have read that with some care, and I have not seen it.

Senator KNOX. The language to which the President refers is the concluding paragraph of the treaty, and it provides that when the process of ratification shall have been completed by Germany and any three powers, the treaty shall come into force.

The PRESIDENT. As between them.

Senator KNOX. No; I beg your pardon, Mr. President. In a subsequent clause dealing with what I think is an entirely different matter—that is, the adjustments as between the nations, not adjustments as between the allied and associated powers and Germany—it comes into force whenever the ratifications are made; but if you will take the body of the treaty you will find that everything that Germany is to do is to be done within a certain number of days after the ratification has been made; and a certain number of months afterwards she is to demobilize, give up her ships, and do all things that will make her practically a noncombatant, within a number of days after ratification by three of the powers; so she is either at peace with the world, or she is only partially at peace with the world; and as the requirements of the treaty are specific that she is to go out of the war business altogether, there is a conclusive inference in my mind that she is at peace with the world when those three ratifications have been made.

The PRESIDENT. I can not agree with you there. You see, the theory is this: That when three of the principal allied and associated powers ratify this treaty, Germany having ratified it, then the treaty is in force; that is to say, she has then engaged to do the things provided in the treaty, and her engagement is with those three

powers, among the rest, and she must then proceed to do what she has promised; but it does not establish peace between her and other countries.

Senator KNOX. I think that language shows that it establishes peace and provides for a resumption of diplomatic and all other relations with Germany. I intend, within a short time, to try to make my views upon that clear.

The PRESIDENT. Yes.

Senator BRANDEGEE. I went into that question rather thoroughly—"from the coming into force of the present treaty the state of war will terminate." Then it says, "From that moment, and subject to the provisions of this treaty, official relations with Germany and with any of the German States will be resumed by the allied and associated powers," which I assume means all of them.

Now, to revert to another point, Mr. President, have you any knowledge—and I ask all these questions, of course, subject to your determination as to whether it is proper for you to answer them, or to make any statement about them——

The PRESIDENT. Yes.

Senator BRANDEGEE. Are the Austrian, Bulgarian, and Turkish treaties, which I assume are in process of being made——

The PRESIDENT. Yes.

Senator BRANDEGEE (continuing). Intertwined with the covenant of the league of nations as is the treaty with Germany?

The PRESIDENT. The covenant of the league constitutes a part of each of those treaties.

Senator BRANDEGEE. Would you feel at liberty to state what percentage of progress they have made up to the present time, or how nearly completed they are?

The PRESIDENT. I think they are all practically completed, Senator, with the exception of some debatable questions of territorial boundaries.

Senator BRANDEGEE. In as much as our Constitution provides that treaties shall be made by the President by and with the advice and consent of two-thirds of the Senators present, do you think that it is constitutional for us to approve the Franco-American treaty which provides that before it goes into operation—or substantially, I would say, before it goes into operation—it must secure the approval of the council of the league of nations.

The PRESIDENT. Why, yes; we can consent. We have the sovereign right to consent to any process that we choose, surely.

Senator BRANDEGEE. We have the right to consent, but of course the Senate has the constitutional right to ratify the treaty, negotiated and presented by the Executive, but my point is, have we a right to provide that in addition to the constitutional requirements for the making of a valid treaty there shall also be required the consent of the council of the league of nations, which the Constitution was not aware of?

The PRESIDENT. If that is a part of the treaty; yes, I think we have.

Senator BRANDEGEE. But you do not think that the treaty can in any way amend the Constitution or the constitutional requirements for executing a treaty.

The PRESIDENT. No.

Senator BRANDEGEE. Then by what process of ratiocination do you assume that the treaty can compel the consent of the council before this covenant is approved?

The PRESIDENT. Suppose you would determine that when any group of nations adopted a treaty then we could adopt the treaty that contained certain provisions that we wished to put in, and to make the operation of the treaty contingent upon its acceptance by the other nations in the group. It seems to me that that is an entirely analogous case. In other words, I am assuming that we adopt the treaty with Germany. In that case we will be members of the league. We are in effect saying that we have become members of the league. If the council of the league accepts this we agree to put it in force. It is a means of being consistent with the thing that we have already done in becoming a member of the league.

Senator BRANDEGEE. I get your viewpoint about that. Now, do you think it is wise for us to adopt the Franco-American treaty which in substance provides that we can not denounce it until the council of the league of nations gives us permission to do so or agrees to denounce it.

The PRESIDENT. I do, Senator. I have a very strong feeling with regard to our historical relations with France, and also a very keen appreciation of her own sense of danger, and I think it would be one of the handsomest acts of history to enter into that.

Senator BRANDEGEE. I feel just as cordially toward her heroic conduct as anybody can. But that was not the question. The question was whether it was wise to so tie ourselves to any foreign nation as that we never could repudiate—I will not use the word "repudiate"—can never cancel our treaties without due notice, without the consent of a body not yet created.

The PRESIDENT. Of course I am assuming that body will be created before we adopt the Franco-American treaty, and in that case that provision that you are alluding to is only a completion of the idea of the treaty, namely, as I have been quoted as saying, this is an agreement on our part to anticipate the advice of the council of the league, as we shall take such and such measures to defend France. Inasmuch as we are anticipating that, we are assuming the action of the league, and therefore it is with the league and its action that the whole matter is bound up, and I think that the provision you allude to, therefore, is consistent and almost logically necessary.

Senator BRANDEGEE. Well, now, inasmuch as you have stated in your message—and I have of course agreed to it and have no doubt that it is true—that the Franco-American treaty is only designed for temporary purposes, the defense of France until the league says that it is competent to do it, or words to that effect——

The PRESIDENT. Yes.

Senator BRANDEGEE. Would it not be the part of prudence for us to include in the Franco-American treaty, if it should be ratified, a provision that it shall have some time limit put upon it, that it shall exist for not more than 10 years, say. I assume if the league is ever going to be effective to preserve the territorial integrity and political independence of its various members, it will be in the course of 10 years, and there is no objection to having some time limit on the treaty.

The PRESIDENT. Only a psychological objection, the sentiment between the two countries.

Senator BRANDEGEE. The other alternative is to guarantee it forever or until the council of the league loosens us from it, is it not?

The PRESIDENT. Yes; when the council of the league will exist, among other uses should be that the whole international influence that could be brought to bear for the management of all these things will be present there to bring about this rearrangement.

Senator BRANDEGEE. Yes; I understand that. But the fact that we have a vote to loose ourselves does not help us, as unanimous action is required by nine gentlemen, any one of whom can prevent us.

The PRESIDENT. No, Senator; but the diplomatic relations of the different countries in that council will be such, if I may judge, that those things may be accomplished.

Senator BRANDEGEE. That is an optimistic view to take, if you will pardon my opinion about it.

The PRESIDENT. Perhaps it is.

Senator BRANDEGEE. I want to call your attention to the fact that this era of good feeling which exists between the allied and associated powers after their common experience and suffering in this great war may not always exist, in view of future commercial contests and separate interests of different nationalities which may occur in the future, and what some of us feel is that we ought to be careful in making these definite international engagements, which we are wisely determined to carry out in good faith if we should make them, and we feel that now is the time to understand exactly the obligations we are to be held to before we affix our signature, and I have no doubt that you agree to that.

The PRESIDENT. Yes.

Senator BRANDEGEE. I want to ask you a word or two about this so-called American draft. The American draft of the league which was sent to us in response to Senate resolution was the draft which was submitted by the American commission to the conference abroad?

The PRESIDENT. No.

Senator BRANDEGEE. It was the draft which was submitted by you as the head of the American commission to the American commission. Is that correct?

The PRESIDENT. Why, Senator, it was done as all other things of this sort were done over there. We circulated the draft among the representatives of the 14 States who were represented in the general league of nations, and they had 10 days or more to examine it. I also submitted it to my colleagues, not for any formal discussion but in order to have their opinion if they chose to express it. Then when the commission got down to its real work they appointed a committee.

Senator BRANDEGEE. Of the commission?

The PRESIDENT. No; of two officers of the commission. Well, they did form a committee, but that committee employed the services of two technical advisers. Mr. Miller was one of them and Mr. Hurst—not the Mr. Hurst that Mr. Miller mentioned.

Senator BRANDEGEE. He gave his initials as C. J. B.

The PRESIDENT. I have forgotten the initials.

Senator BRANDEGEE. He said he was an employee of the British State Department.

The PRESIDENT. Yes; he is a very able man. He was on the general drafting committee of the treaty, and Mr. Miller took the various documents that we have been reading and discussing and made a combined draft and it was that combined draft which was the subject of formal discussion and amendment and addition by the committee.

Senator BRANDEGEE. And that was the combined draft, the one that you sent to us the other day?

The PRESIDENT. No; Secretary Lansing was asked for it.

The CHAIRMAN. It was a composite draft. It came in yesterday.

Senator BRANDEGEE. I beg your pardon, I did not know about it. Was there any draft, no matter how incomplete, any skeleton draft or enumeration or substance for a draft for the so-called American plan for the covenant of the league of nations which you took with you from this country or was prepared over there by you?

The PRESIDENT. Only the one that I referred to earlier in this conference, Senator, when I had taken the Phillimore report as more or less of a basis of my work.

Senator BRANDEGEE. That was the only thing that you had in the nature of a skeleton draft when you left the country?

The PRESIDENT. Yes.

Senator BRANDEGEE. Did the Phillimore draft or report, whatever the proper term may be, contain anything like what is now article 10 of the covenant of the league?

The PRESIDENT. I do not remember.

Senator BRANDEGEE. You do not remember whether there was anything like that in that?

The PRESIDENT. Let me say this in regard to article 10. I believe this to be a part of the history of it. It is so far as I am concerned. Early in my administration, as I think many of the members know, I tried to get the American States, the States of Central and South America, to join with us in an arrangement in which a phrase like this constituted the kernel, that we guaranteed to each other territorial integrity and political independence. "Under a republican form of government" was added in that case. But that is another matter. As I represented to them at that time, it was a desire on my part at any rate to show the way to them of keeping things steady and preventing the kind of aggression they have had.

The CHAIRMAN. That was the subject of the Niagara conference?

Senator BRANDEGEE. The A. B. C. powers.

The PRESIDENT. I do not think it was discussed there, Senator. We discussed it diplomatically.

The CHAIRMAN. It was taken up at that time?

The PRESIDENT. It was taken up at that time.

Senator BRANDEGEE. Who was the author of article 10?

The PRESIDENT. I suppose I was as much as anybody.

Senator BRANDEGEE. And you recommended it to your fellow American commissioners?

The PRESIDENT. Yes.

Senator BRANDEGEE. How many Americans were on the commission which framed the covenant for the league of nations?

The PRESIDENT. Two—Col. House and myself.

Senator BRANDEGEE. The total membership was what? Fifteen, was it not?

The PRESIDENT. Fourteen nations, and five principal nations had two members, which would make 19, would it not? Yes, 19 members.

Senator BRANDEGEE. Did they have the unit rule, so to speak, casting one vote for each member?

The PRESIDENT. In only one or two instances did we vote at all. I presided and the final form was this, "If there are no objections we will regard that as accepted."

Senator BRANDEGEE. As we say in the Senate, "without objection it is agreed to."

The PRESIDENT. Yes; and that is the way the whole thing was agreed to.

Senator BRANDEGEE. Did these commissions to which the plenary conference delegated certain subjects to prepare reports upon have any coordination with each other? Did each commission know what the other commissions were doing?

The PRESIDENT. No; the subjects were too unlike.

Senator BRANDEGEE. Was there any debate on the completed draft of the covenant of the league of nations when it was submitted to the plenary council just before you came over in March?

The PRESIDENT. Yes: there were speeches.

Senator BRANDEGEE. I do not call those debates. I read that there were no debates as to what each particular government demanded.

The PRESIDENT. No; because there were so many of those represented, and they had all been canvassed in the process of formulation.

Senator BRANDEGEE. You replied to a resolution of the Senate requesting a copy of a letter of Gen. Tasker H. Bliss, which was also signed by Secretary Lansing——

The PRESIDENT. And Mr. White.

Senator BRANDEGEE. And Mr. White—you stated, if I recollect, in substance, that you would be glad to furnish us with a copy of it but for the fact that Gen. Bliss had mentioned the names of certain Governments and you thought it was a matter of delicacy not to make it public. Would it not be possible to furnish us with the general drift of the arguments, leaving out the names of the Governments, etc.?

The PRESIDENT. There was not any argument. He said flatly that it was unjust. It was not a reason.

Senator BRANDEGEE. It was an opinion.

The PRESIDENT. An opinion.

Senator BRANDEGEE. A conclusion.

Senator JOHNSON of California. With that, you agreed, Mr. President, did you not?

The PRESIDENT. Senator, I do not think I ought to say any more than I have said.

Senator BRANDEGEE. I do not think I care to ask anything more.

Senator HITCHCOCK. Will you permit me to read into the record these two paragraphs from the conclusion of the treaty and ask whether they are what you refer to when you express the opinion that the treaty would go into effect when Germany and three of the contracting parties had signed it, and only as to them?

The CHAIRMAN. That is explicitly stated.

Senator HITCHCOCK. I thought it was left in some doubt. I would like to read them into the record [reading]:

A first procès-verbal of the deposit of ratifications will be drawn up as soon as the treaty has been ratified by Germany on the one hand, and by three of the principal allied and associated powers on the other hand.

From the date of this first procès-verbal the treaty will come into force between the high contracting parties who have ratified it. For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of the treaty.

I just wanted to make it clear that the treaty is not in effect except as to those that have ratified it.

The PRESIDENT. I could not put my hand on it, but I was sure.

Senator MCCUMBER. Mr. President, just one question on this French treaty. If we should adopt this present treaty with the league of nations and with section 10 in it, which brings all of the great nations of the league to the protection of France, if war should be made against her by Germany, what necessity is there for any other special treaty with France?

The PRESIDENT. To meet the possibility of delay in action on the part of the council of the league.

Senator MCCUMBER. But the agreement of section 10 comes into effect, does it not, the moment we adopt the treaty?

The PRESIDENT. Yes; but the council has to act and formulate its advice, and then the several governments have to act and form their judgment upon that advice.

Senator MCCUMBER. Do you not think under the present situation that that could be done as quickly as Germany could get ready for a second war on France?

The PRESIDENT. Oh, as quickly as she could get ready, yes; but not as quickly as she could act after she got ready.

Senator BRANDEGEE. Mr. President, the situation is this: If Germany has surrendered her navy, demobilized her army, and been shorn of large portions of her territory; if we have no demand for reparation or indemnity against her; if, as you stated in your addresses to the Congress, the war is over; if there is no fighting going on; if Germany has signed the peace treaty, and you have signed the peace treaty; if, in fact, there is a condition of peace, and only the joint resolution of Congress that a state of war existed a year ago—if that is all so, is there no way by which the condition of peace which actually exists can be made legally effective except by the adoption of the proposed treaty?

The PRESIDENT. Senator, I would say that there is no way which we ought to be willing to adopt which separates us, in dealing with Germany, from those with whom we were associated during the war.

Senator BRANDEGEE. Why?

The PRESIDENT. Because I think that is a moral union which we are not at liberty to break.

Senator BRANDEGEE. If we have rescued our fellow belligerents from the German peril voluntarily and without any charge, and if we prefer not to have any entanglements or connections with European powers, but to pursue our course as we did before the war, where is the moral obligation to merge ourselves with Europe forever?

The PRESIDENT. I do not construe it as merging ourselves, but I do think we are under the plainest moral obligation to join with our associates in imposing certain conditions of peace on Germany.

Senator BRANDEGEE. Even if we ratify the German so-called peace treaty, with or without the Shantung provision in it, and strike out article 1 of the peace treaty, the covenant of the league of nations, we still join with those with whom we have cooperated in establishing peace with Germany, do we not, and are at liberty to trade with her?

The PRESIDENT. An unworkable peace, because the league is necessary to the working of it.

Senator BRANDEGEE. Well, suppose they have a league, and we ratify the treaty with the reservation that we are not bound by article 1, which is the covenant of the league—then they have a league of nations covenant.

The PRESIDENT. Yes, and we are tied into every other part of the treaty by reason of the fact that we are supposed to be members of the league of nations.

Senator BRANDEGEE. Suppose we also adopt the 21 amendments that Senator Fall has pending before the Committee on Foreign Relations, striking us out of these commissions to which we are tied, and just cutting the Gordian knot which ties us to the covenant: We establish peace with Germany just the same, I fancy. The other powers could accept our amendments to the treaty or not, as they chose. In either case Germany would be at peace, and they would be in the league, and we would be out of it. We could have peace, and resume all our business in relation to copper mines and zinc mines, etc., and we could export to Germany, and reestablish the consular service; could we not?

The PRESIDENT. We could, sir; but I hope the people of the United States will never consent to do it.

Senator BRANDEGEE. There is no way by which the people can vote on it.

The CHAIRMAN. Are we not trading with Germany now, as a matter of fact?

The PRESIDENT. Not so far as I know, sir.

The CHAIRMAN. Licenses certainly have been issued. It is advertised in all the New York papers.

The PRESIDENT. We removed the restrictions that were formerly placed upon shipments to neutral countries which we thought were going through to Germany.

The CHAIRMAN. Yes; I see them advertised broadly in the New York papers.

Senator JOHNSON of California. Mr. President, does the moral obligation to which you have alluded compel us to maintain American troops in Europe?

The PRESIDENT. Which moral obligation, Senator?

Senator JOHNSON of California. You referred to the moral obligation resting upon us to carry out the peace terms and the like in conjunction with our associates, and felt that it would be, as I understood you, a breaking, a denial of that moral obligation to make a separate peace or to act by ourselves.

The PRESIDENT. Yes.

Senator JOHNSON of California. Does that obligation go to the extent of compelling us to maintain American troops in Europe?

The PRESIDENT. Such small bodies as are necessary to the carrying out of the treaty, I think; yes.

Senator JOHNSON of California. And will those troops have to be maintained under the various treaties of peace until the ultimate consummation of the terms of those treaties?

The PRESIDENT. Yes, Senator; but that is not long. In no case, as I remember, does that exceed 18 months.

Senator JOHNSON of California. I was rather under the impression that the occupation of Germany was to be for 15 years.

The PRESIDENT. Oh, I beg your pardon.

The CHAIRMAN. Along the Rhine.

The PRESIDENT. Along the Rhine; yes. I was thinking of Upper Silesia, and the other places where plebiscites are created, or to be carried out. It is the understanding with the other Governments that we are to retain only enough troops there to keep our flag there.

Senator JOHNSON of California. The idea in my mind was this: Will we be maintaining American troops upon the Rhine for the next 15 years?

The PRESIDENT. That is entirely within our choice, Senator; but I suppose we will.

Senator JOHNSON of California. Do you know, Mr. President, whether or not we have American troops in Budapest at present?

The PRESIDENT. We have not. There are some American officers there, Senator, sent with a military commission, but no American troops.

Senator JOHNSON of California. Returning, if you do not mind, Mr. President, to one last question about Shantung, do you recall the American experts reporting that the Japanese promise, the verbal promise, which has been referred to, to return Shantung, meant in reality the returning of the shell but retaining the kernel of the nut?

The PRESIDENT. I remember their saying that; yes, sir.

Senator JOHNSON of California. That is all.

The PRESIDENT. But I do not agree with them.

Senator NEW. Mr. President, if no one else has any questions to ask, I have a few.

The PRESIDENT. Proceed, Senator, if you will.

Senator NEW. These questions, Mr. President, are more or less general and haphazard, referring to no particular feature of the treaty, but to all of them.

First, was it the policy of the American delegates to avoid participation by the United States in strictly European questions and their settlement; and, if so, what were the matters in which America refused to participate, or endeavored to avoid participation?

The PRESIDENT. I could not give you a list in answer to the last part of your question, sir; but it certainly was our endeavor to keep free from European affairs.

Senator NEW. What did the American delegates say or do to secure nonparticipation by the United States in the cessions of Danzig, Memel, and in the various boundary commissions, reparations commissions, and other agencies set up in the treaty for the disposition of questions in which America has no national interest?

The PRESIDENT. I did not get that, Senator, it is so long.

Senator NEW. I will divide it. What did the American delegates say or do to secure nonparticipation by the United States in the cessions of Danzig and Memel?

The PRESIDENT. Why, Senator, the process of the whole peace was this: Each nation had associated with it certain expert advisers,

college professors and bankers and men who were familiar with ethnical and geographical and financial and business questions. Each question was referred to a joint commission consisting of the specialists in that field representing the principal allied and associated powers. They made a report to this smaller council, and in every instance the American representatives were under instructions to keep out of actual participation in these processes so far as it was honorably possible to do so.

Senator NEW. The second half of the question is this: What did the American delegates do to secure nonparticipation by the United States in the reparations commission?

The PRESIDENT. Why, we were disinclined to join in that, but yielded to the urgent request of the other nations that we should, because they wanted our advice and counsel.

Senator NEW. What agreement, written or verbal, has been entered into by the American delegates touching the assignment to various States of mandatories under the provisions of article 22?

The PRESIDENT. None whatever.

Senator NEW. If it be understood that Great Britain or her dominions will act as mandatories of the territory in Africa lately held by Germany, what advantage of a practical nature is expected to accrue, and whom will it benefit, from subjecting the British or dominion administration to the mandatories of such nations as Liberia, Italy, or any others?

The PRESIDENT. Mandatories of Liberia?

Senator NEW. Yes.

The PRESIDENT. I do not understand, Senator. The whole system of mandates is intended for the development and protection of the territories to which they apply—that is to say, to protect their inhabitants, to assist their development under the operation of the opinion of the world, and to lead to their ultimate independent existence.

Senator NEW. Mr. President, it seems that there is more than a suspicion; there is a general conviction in the world, I think, that Germany is promoting the dissemination of Bolshevist propaganda in the countries of the Allies, including the United States. That being the case, I am prompted to ask what provision in the treaty obligates Germany to prohibit Bolshevik propaganda from German sources in the United States and allied countries?

The PRESIDENT. None.

Senator NEW. No provision? Was any proposal considered by the peace conference directed toward securing the names of German propaganda agents in the United States and the allied countries, or to obtain the records of the disbursements made in support of Bolshevik or other propaganda intended to weaken or disrupt the United States?

The PRESIDENT. We made every effort to trace everything that we got rumor of, Senator; and traced everything that we could; but no provisions were feasible in the treaty itself touching that.

Senator NEW. Did not France yield under pressure at least partly exerted by the American delegates to abandon certain guaranties of the security of her German frontiers which she had been advised by Marshal Foch were indispensable; and is not the present frontier, in French military opinion, less secure than the one which France was induced to abandon?

The PRESIDENT. Senator, do you think I ought to redebate here the fundamental questions that we debated at Paris? I think that would be a mistake, sir.

Senator JOHNSON of California. Mr. President, it is on that very theory that I refrained from asking many of those things, the thoughts of which crowd one's mind, and which one would like to ask.

The PRESIDENT. Of course. You see, you are going into the method by which the treaty was negotiated. Now, with all respect, sir, I think that is a territory that we ought not to enter.

Senator NEW. Of course, if there is any reason why it should not be answered, I will withdraw it. Is there objection to answering this, Mr. President: What was France's solution proposed for administration of the Saar Basin?

The PRESIDENT. I do not think I ought to answer those questions, Senator, because of course they affect the policy and urgency of other Governments. I am not at liberty to go into that.

Senator NEW. Mr. President, would our position in the War of 1812 and the Spanish-American War have been secure under the league covenant?

The PRESIDENT. Oh, Senator, you can judge of that as well as I could. I have tried to be a historical student, but I could not quite get the league back into those days clearly enough in my mind to form a judgment.

Senator NEW. What would have been the procedure under the covenant in those two cases, in your opinion?

The PRESIDENT. Why, Senator, I could figure that out if you gave me half a day, because I would have to refresh my mind as to the circumstances that brought on the wars; but that has not been regarded as a profitable historical exercise—hypothetically to reconstruct history.

Senator NEW. Well, I do not want to press for answers, then.

Senator MOSES. Mr. President, under the terms of the treaty, Germany cedes to the principal allied and associated powers all of her overseas possessions?

The PRESIDENT. Yes.

Senator MOSES. We thereby, as I view it, become possessed in fee of an undivided fifth part of those possessions.

The PRESIDENT. Only as one of five trustees, Senator. There is no thought in any mind of sovereignty.

Senator MOSES. Such possession as we acquire by means of that cession would have to be disposed of by congressional action.

The PRESIDENT. I have not thought about that at all.

Senator MOSES. You have no plan to suggest or recommendation to make to Congress?

The PRESIDENT. Not yet, sir; I am waiting until the treaty is disposed of.

The CHAIRMAN. Mr. President, I do not wish to interfere in any way, but the conference has now lasted about three hours and a half, and it is half an hour after the lunch hour.

The PRESIDENT. Will not you gentlemen take luncheon with me? It will be very delightful.

(Thereupon, at 1 o'clock and 35 minutes p. m., the conference adjourned.)

(The questions submitted by Senator Fall, above referred to, and the replies of the President are here printed, as follows:)

QUESTIONS ASKED BY SENATOR FALL AND REPLIES BY PRESIDENT WILSON.

QUESTIONS BY SENATOR FALL.

"1. In your judgment, have you not the power and authority, by a proclamation, to declare in appropriate words that peace exists and thus restore the status of peace between the Governments and peoples of this country and those with whom we declared war?

"2. Could not, in any event, the power which declared war—that is, Congress—joined by the President, as you affixed your approval of the declaration of war, by a resolution, or act of Congress, declare peace, as Germany did not declare war upon us?

"3. Is not the pending treaty, aside from the league covenant, merely a set of agreed rules and regulations to be observed after peace is established, and is not the state of war terminated merely by the filing of the first process verbal?

"4. The state of war being thus terminated by the filing of the process verbal, although we may not yet have ratified the treaty, Germany not having declared war upon us, could you not appoint or reappoint consular officers and agents in Germany, and by a proclamation of the status of peace authorize our citizens and without further delay resume governmental relations with Germany, and would we not then be off of a war basis as to business?

"ESTABLISHMENT OF THE LEAGUE.

"5. The agreement of the signatories to the treaty is that 'from the coming into force of the present treaty the state of war will terminate.'

"And under article 440 it is provided that as soon as the treaty shall have been ratified by Germany on the one hand and by three of the principal allied and associated powers on the other hand the first procès verbal of the deposit of ratification will be drawn, and 'from the date of this first procès verbal the treaty will come into force between the high contracting parties who have ratified it.'

"Am I correct in assuming:

"(*a*) That when three of the principal allied powers shall have ratified the treaty with Germany and the procès verbal is filed the league of nations is then established?

"(*b*) That all the other provisions of the treaty with Germany are in full force to such ratifying powers?

"(*c*) That as to the two remaining powers, should they not have ratified it (the one being the associated power, the United States), 'the state of war will terminate,' although the particular terms of the treaty itself will not be in force as to such non-ratifying powers?

"(*d*) That such last powers will not be members of the league until and unless thereafter they have either ratified the treaty and the league articles or shall have been otherwise accepted into the league under the provisions of the league articles as they now stand or as they may be in force at the time of admission?

"6. However desirable it might be to have the treaty immediately adopted with the articles of the covenant of the league as written, by what process will this, in view of your statement as to largely increased export within the near future or within one or two more years, reduce in this country the rentals, cost of necessaries, etc.?

"LICENSES FOR EVERY TRADE.

"7. Have you heard from Norway, Sweden, Denmark, Holland, and Switzerland, or either, as to whether they will join the league, and when?

"8. Are you issuing, or allowing to be issued, en bloc or otherwise, licenses to do business with those recently our enemies, and are you allowing ships and cargoes destined to ports of Germany or other recent enemy ports to clear from our ports?

"9. Have you requested consular representatives of other countries to act for us in Germany?

"10. Among the documents forwarded on the 8th instant to the chairman of the committee, by yourself, under No. 6, following the final report of the commission upon the league articles, I find the following recommendations: '*Resolved*, That in the opinion of the commission the president of the commission should be requested by the conference to invite seven powers, including two neutrals, to name representatives on a committee (a) to prepare plans for the organization of the league; (b) to prepare plans for the establishment of the seat of the league; (c) to prepare plans and the agenda for the first meeting of the assembly.'

"Was this committee appointed, and have they reported tentatively to the commission or to yourself, and, if so, is a copy of such report available?

"QUESTIONS AS TO TERRITORY.

"11. Under article 18, of the peace treaty, part 4, there is a general renunciation of all German rights to territory formerly belonging to herself or to her allies and a renunciation of all her rights, titles, and priviliges outside of her boundaries as fixed by the treaty which she held as against the allied and associated powers. There is no cession, apparently, of the territory to any particular power or association of powers, but there is an understanding on the part of Germany to recognize and conform to the measures which may be taken 'now, or in the future by the principal allied and associated powers in agreement, where necessary, with third powers in order to carry the above stipulation into effect.'

"To what nation or nations or association of nations does the territory renounced under this article go, aside from such portions as are specifically assigned to certain nations or plebiscite commissions by the particular article of the German treaty, and by what character of title and what part, if any, does the United States take or has she taken with reference to the disposition of such property?

"12. Article 119, section 1, of Part IV, reads:

"Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions.'

"This appears to be a direct cession of the German overseas possessions to the principal allied and associated powers; of course, the United States being an associated power, what character of title does the United States receive to any part of the overseas possessions ceded by Germany through article 119?

"SAAR BASIN'S DISPOSITION.

"13. Has there as yet been any agreement, tentative or otherwise, as to the disposition or the government of such overseas possessions or any part of same to which the United States is a party?

"14. Will you inform the committee whether, through an agreement between France and Great Britain, any disposition or agreement for the disposition of all or any part of the German overseas possessions in Africa has been arrived at and if so, whether the United States has, tentatively or otherwise, consented thereto, and whether possession has been taken by either France or Great Britain of any such German territory by any such agreement or tentative agreement?

"15. Was it or is it now contemplated that, of the commission composed of five members to be chosen by the council of the league of nations for the government of the Saar Basin, one of said commission to be a citizen of France, one a native of the Saar Basin and not a native of France, and the three other members belonging to three countries other than France or Germany, there should be one American commissioner among the membership of five; and if so, why is it necessary that America should be represented upon this commission?

"16. Why should the United States be represented by one member of the commission for the settling of the new frontier lines of Belgium and Germany under articles under sections 34 and 35?

"17. As article 48 of the treaty provides for a boundary commission for the Saar Basin, to be composed of five members, one to be appointed directly by France and one directly by Germany, why was it not provided that the other three be nationals of other powers? Should each be named in the article to be appointed by some particular country, as is done with reference to the other two, rather than to leave the selection of such three to the council of the league of nations with the restrictive provisions that the said three should be selected from nationals of other powers than France and Germany?

"SETTLEMENT OF BOUNDARY DISPUTES.

"18. Why was it necessary to provide in article 83 that of the commission of seven members to fix the boundaries between Poland and the Czecho-Slovak State, one should be named by Poland, one by such Czecho-Slovak State, and the other five named by the five allied and associated powers, rather than that certain countries, specifically named, should nominate the five as well as the two?

"19. Has such commission been appointed, tentatively or otherwise, and has it proceeded to the performance of any of its duties, either in a temporary manner or otherwise?

"20. Why was it necessary to form a commission of four members, one to be designated by each the United States, France, the British Empire, and Italy, to exercise authority over the plebiscite area of Upper Silesia: that is to say, why was it necessary to name the United States as one of the powers which should appoint one of the four commissioners and then leave the decision of such commission to a majority vote?"

THE REPLY OF THE PRESIDENT.

"My Dear Senator Fall: You left yesterday in my hands certain written questions which I promised you I would answer. I am hastening to fulfill that promise.

"I feel constrained to say in reply to your first question not only that in my judgment I have not the power by proclamation to declare that peace exists, but that I could in no circumstances consent to take such a course prior to the ratification of a formal treaty of peace.

"I feel it due to perfect frankness to say that it would, in my poinion, put a stain upon our national honor which we never could efface, if after sending our men to the battlefield to fight the common cause, we should abandon our associates in the war in the settlement of the terms of peace and dissociate ourselves from all responsibility with regard to those terms.

"I respectfully suggest that, having said this, I have in effect answered also your second, third, and fourth questions, so far as I myself am concerned.

"Permit me to answer your fifth question by saying that the provisions of the treaty to which you refer operate merely to establish peace between the powers ratifying and that it is questionable whether it can be said that the league of nations is in any true sense created by the association of only three of the allied and associated governments.

"WOULD REDUCE COST OF LIVING."

"In reply to your sixth question, I can only express the confident opinion that the immediate adoption of the treaty, along with the articles of the covenant of the league as written, would certainly within the near future reduce the cost of living in this country as elsewhere, by restoring production and commerce to their normal strength and freedom.

"For your convenience, I will number the remaining paragraphs of this letter as the questions to which they are intended to reply are numbered.

"7. I have had no official information as to whether Norway, Sweden, Denmark, Holland, or Switzerland will join the league.

"8. I answered your eighth question in reply to a question asked me at our conference the other day.

"9. In February, 1917, Spain was requested to take charge of American interests in Germany through her diplomatic and consular representatives, and no other arrangement has since been made.

"10. The committee to prepare plans for the organization of the league, for the establishment of the seat of the league, and for the procedure of the first meeting of the assembly has been appointed, but has not reported.

"11. Article 118 of the peace treaty, part 4, under which Germany renounces all her rights to territory formerly belonging to herself or to her allies, was understood, so far as special provision was not made in the treaty itself for its disposition, as constituting the principal allied and associated powers the authority by which such disposition should ultimately be determined. It conveys no title to those powers, but merely intrusts the disposition of the territory in question to their decision.

"TRUSTEESHIP FOR COLONIES.

"12. Germany's renunciation in favor of the principal allied and associated powers of her rights and titles to her overseas possessions is meant similarly to operate as vesting in these powers a trusteeship with respect of their final disposition and government.

"13. There has been a provisional agreement as to the disposition of these overseas possessions, whose confirmation and execution is dependent upon the approval of the league of nations, and the United States is a party to that provisional agreement.

"14. The only agreement between France and Great Britain with regard to African territory of which I am cognizant concerns the redisposition of rights already possessed by those countries on that continent. The provisional agreement referred to in the preceding paragraph covers all the German overseas possessions in Africa as well as elsewhere.

"15. No mention was made in connection with the settlement of the Saar Basin of the service of an American member of the commission of five to be set up there.

"16. It was deemed wise that the United States should be represented by one member of the commission for settling the new frontier lines of Belgium and Germany, because of the universal opinion that America's representative would add to the commission a useful element of entirely disinterested judgment.

"SAAR BASIN UNDER LEAGUE.

"17. The choice of the commission for the Saar Basin was left to the council of the league of nations, because the Saar Basin is for 15 years to be directly under the care and direction of the league of nations.

"18. Article 83 does, in effect, provide that five of the members of the commission of seven to fix the boundaries between Poland and Czechoslovakia should be nominated by certain countries, because there are five principal allied and associated powers, and the nomination of five representatives by those powers necessarily means the nomination of one representative by each of those powers.

"19. No such commission has yet been appointed.

"20. It was deemed wise that the United States should have a representative on the commission set up to exercise authority over the plebiscite of Upper Silesia for the same reason that I have given with regard to the commission for settling the frontier line of Belgium and Germany.

"Sincerely, yours,

"WOODROW WILSON."

WEDNESDAY, AUGUST 20, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to adjournment, at 10 o'clock a. m., in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), McCumber, Brandegee, Fall, Knox, Harding, Johnson of California, New, Moses, Hitchcock, Williams, Swanson, and Smith of Arizona.

The CHAIRMAN. The committee will come to order. Mr. Ferguson, will you be heard now?

STATEMENT OF MR. JOHN C. FERGUSON, ADVISER TO THE PRESIDENT OF CHINA.

The CHAIRMAN. Will you please state to the stenographer your full name and address? Also will you please state to us your work in China and your experience there?

Mr. FERGUSON. My name, sir, is John C. Ferguson. I hold an official position under the Chinese Government as adviser to the President of China.

I went to China in 1887; was president of the Nanking University till 1897, and from that time till 1902 was president of the Nanyang College, Shanghai. Since 1894 I have held various advisory positions in connection with the viceroys at Nanking and Wuchang and in the railway administration. Since 1911 I have lived in Peking and have been associated with the four men who have held the office of President of the Republic of China. I am a resident of Newton, Mass. Is that sufficient, sir?

The CHAIRMAN. That covers your service entirely. I should like to know, from your experience, which has been a long one, what has been the general attitude of the United States toward China?

Mr. FERGUSON. I should say that the general attitude of the United States toward China has been one of friendly cooperation and of solicitude for the welfare of China. The United States has scrupulously avoided any interference with the internal administration of China, and avoided any attempt to take part in any seizure of China's territory, or to connive at such seizure on the part of other powers.

The CHAIRMAN. Has the United States ever deviated from this policy?

Mr. FERGUSON. Not as far as I have known, either from my experience or from official records. It has had provocation on three different occasions to deviate from the policy, at the request of the Chinese Government, for political reasons.

When concessions were obtained by other powers at the city of Canton in the south of China the United States was offered a special

tract of land to be called a concession for its own administration. It refused to take it over.

When the Shanghai Settlements were arranged—I speak of "Settlements" with a capital S; that is the districts where foreigners live—the British Government was given a settlement, the French Government was given a settlement, and the American Government was offered a settlement known as Hongkew. This settlement was never taken up by the American Government, and was not accepted, though it had been offered to it freely by China.

Senator KNOX. What was the area of this settlement, do you know?

Mr. FERGUSON. I should say about 3 square miles.

Senator BRANDEGEE. Do you remember who was Secretary of State at that time here?

Mr. FERGUSON. That was shortly after the Civil War. I think Mr. Seward was Secretary of State, if I remember correctly, sir.

Again, after the Boxers' War, in 1901, a concession was offered to America at the same time that concessions were requested by Italy and Austria and other powers, at Tientsin, and the United States Government refused to accept the proposition.

So that, as far as I know, in no instance has the United States deviated from that fixed policy.

The CHAIRMAN. How would the Chinese regard our support of what are known as the Shantung questions in the treaty, in view of what you have been saying?

Mr. FERGUSON. I can not speak officially on behalf of the Chinese Government in such a matter, naturally, but I can simply give to the committee my impression, from my close relationship with the Government, as to the opinion, which is that the arrangement proposed under the treaty would be considered by the Chinese—and is so considered—as a deviation from our policy, and that irrespective of whether the leased territory of Kaiochow is given to Japan for a short period or for a long period. That China has considered that the lease which she made with Germany in 1898 was voided by her declaration of war against Germany, and that in the nature of the lease itself it is not a transferable lease. No such experience has ever occurred in China, where there are many concessions held by foreign nations, as that a lease given for the residential purposes of one nation should be transferred for any cause to another nation.

Senator BRANDEGEE. I was called out of the room for a minute, and will you let me ask you a question? I did not hear whether you said that this concession which Germany had, which is now, under this treaty, transferred to Japan, in itself provided that it should be nontransferable.

Mr. FERGUSON. I did not make that statement, Senator.

Senator BRANDEGEE. No.

Mr. FERGUSON. I said that under the general precedents no such transfer had ever occurred, and that China considered, in granting such leases, always that they were nontransferable.

Senator HITCHCOCK. Doctor, does not the lease provide in its terms that it may be transferred with the consent of China, or that it shall not be transferred except with the consent of China?

Mr. FERGUSON. No, sir; that question had never been raised up to that time in China to my knowledge, and I might say, sir, that I

have been, through the granting of concessions, one of the agents of the Chinese Government in making such arrangements for concessions——

Senator HITCHCOCK. Are you sure that expression is not in there?

Senator BRANDEGEE. Let him finish his sentence.

The CHAIRMAN. Let the witness finish his statement.

Mr. FERGUSON. I am not sure with reference to the text of the treaty which was made in March, 1898, with Germany, without reference to it; but speaking from memory I should say that it contains no such clause, because up to that time the question had never been raised and never been thought of as a possible thing.

Senator HITCHCOCK. Now, assuming that I am right, and that the clause appears in there that it shall not be transferred except with the consent of China, would it not follow that if China gave her consent it would be transferable?

Mr. FERGUSON. I suppose so——

Senator HITCHCOCK. And that that would be contemplated as one of the possibilities?

Mr. FERGUSON. Yes, but I might say that that was never contemplated as a possibility in the granting of a foreign concession to any nation, that it would be transferred to another nation. I may say, Senator, that in the railway contracts it has been explicitly stated, in several railway contracts which China has made, that the rights can not be transferred to any third nation without the explicit consent of the Chinese Government to it.

Senator HITCHCOCK. So that if in this treaty made with Germany, by which this concession was secured, the clause does appear that it can not be transferred without the consent of China, it would be unusual, and would imply that the possibility was contemplated of China giving her consent?

Mr. FERGUSON. Yes, though I think it does not occur.

Senator BRANDEGEE. If that provision was in the lease, that it could be transferred with the consent of China, and the consent of China was obtained under duress, that would not be a compliance with the provision, would it?

Mr. FERGUSON. I should think not, sir.

Senator MCCUMBER. But as a matter of fact, China did consent to its transfer, did she not?

Mr. FERGUSON. She did, under duress.

Senator MCCUMBER. And she consented to it before she entered into the war?

Mr. FERGUSON. Yes.

Senator MCCUMBER. Well, the duress was practically the same kind of a duress that was exercised by all of the other governments in obtaining concessions, was it not?

Mr. FERGUSON. No, sir; i was an unusual duress.

Senator MCCUMBER. Do you not think there was a duress exercised in all of these concessions, to Great Britain and France——

Mr. FERGUSON. There was always a duress exercised for the transfer of every bit of Chinese territory to any alien nation, whether that duress was military, financial, or political; it was some type of duress.

Senator MCCUMBER. So Japan was following the course of the Caucasian nations in obtaining her concessions?

Mr. FERGUSON. Except that she went them one better.

Senator McCUMBER. She did not go very much better than Germany did when she got her concession, did she?

Mr. FERGUSON. I should say yes, sir; that she did.

Senator McCUMBER. She got only what Germany had? I mean in the instrument of concession she got only what Germany had taken?

Mr. FERGUSON. Do you mean by the instrument of concession—the treaty?

Senator McCUMBER. Yes; the treaty with China.

Mr. FERGUSON. No, sir; she got more than Germany possessed.

Senator McCUMBER. Did China in her treaty with Japan grant more than she had granted to Germany?

Mr. FERGUSON. Yes.

Senator McCUMBER. What did she grant?

Mr. FERGUSON. She granted a perpetual lease to a concession which would be under the exclusive jurisdiction of Japan. That was in article 2 of the notes exchanged between China and Japan.

Senator BRANDEGEE. In what year?

Mr. FERGUSON. On May 25, 1915, at the conclusion of the negotiations for the 21 demands.

Senator McCUMBER. Outside of the matter——

Mr. FERGUSON. She gave the concession, which was not to be a lease, but to remain under the exclusive jurisdiction of Japan, in the same way that Hongkong, for instance, remains under the exclusive jurisdiction of Great Britain, and where the sovereignty of China is not recognized. Under the old German occupation of Kiaochow it was a leased territory in which the sovereignty of China was acknowledged, and the lease stipulated a term of years—99 years—after which the territory should be restored to China; but under the second article of the notes exchanged, Japan acquires a concession which is to remain under her exclusive jurisdiction, without any stipulation as to the sovereignty of China or any stipulation as to any time of return to China.

Senator McCUMBER. But in the same notes there is an agreement on the part of Japan to return Shantung to China.

Mr. FERGUSON. To return the leased territory of Kiaochow. Excuse me for correcting you, Senator.

Senator McCUMBER. Yes.

Mr. FERGUSON. The leased territory of Kiaochow to China.

Senator McCUMBER. Yes.

Mr. FERGUSON. The fourth article of those notes stipulates certain arrangements which are to be made between the Chinese and Japanese Governments as to the other rights in Shantung Province which were held by Germany.

Senator McCUMBER. In that respect at least, if Japan makes her promises good, she has given to China the promise to give to China something that Germany did not agree to give her for 99 years, has she not?

Mr. FERGUSON. No, sir; she takes it all, but Germany promised to return to China at the end of 99 years the only part of that territory which is of any commercial value, and Japan proposes to keep that for herself as a perpetual possession. There is the difference, sir. Japan proposes to keep it for a perpetual possession.

Senator BRANDEGEE. What is there in the negotiations recently in relation to this Shantung cession that Japan has agreed to return to China?

Mr. FERGUSON. Do you mean the negotiations in Paris, sir?

Senator BRANDEGEE. Yes.

Mr. FERGUSON. I suppose the treaty itself is the best answer to that, that Japan makes no promise to return anything to China in the treaty.

Senator BRANDEGEE. I know; but you know that it is stated that there is a verbal promise made, either in the procès-verbal of the late peace conference, or in some other way, that Japan is to return something to China at some date unnamed.

Mr. FERGUSON. Yes.

Senator BRANDEGEE. What is the something that she is to return?

Mr. FERGUSON. The rest of the leased territory of Kiaochow, after excluding this concession for her own exclusive jurisdiction, and also the third provision of that note is that there shall be retained another district for an international concession. The rest of it, after those two concessions, one for the exclusive jurisdiction of Japan and one for international use, the rest of the territory shall be returned to China. That is the statement of the notes of May 25, 1915.

Senator BRANDEGEE. Also the sovereignty over the whole of it?

Mr. FERGUSON. That follows the return of the territory, of course.

Senator BRANDEGEE. But do you understand that the ceding of the German rights in Shantung to Japan cedes any sovereignty?

Mr. FERGUSON. It does over this exclusive territory.

Senator WILLIAMS. What is that exclusive territory?

Mr. FERGUSON. It has never been officially stated by Japan as to what place she is going to occupy; but judging from her purchases of property and from the natural place which she would take, it is to be the port of Tsing Tao, which was the part that Germany developed, and I might say the only part of Kiaochow which is of any value. The entrance to the northern part of the Kiaochow territory consists of a lot of precipitous cliffs which are quite unapproachable. The southern part of Kiaochow Bay is all silted up with sand bars, and is unapproachable even for small Chinese junk. The only part of Kiaochow territory which is of any value commercially to China or to any other nation is that part which Japan proposes to retain for her own exclusive jurisdiction.

Senator WILLIAMS. That which it is supposed she will retain?

Mr. FERGUSON. Yes.

Senator WILLIAMS. That is, Tsing Tao?

Mr. FERGUSON. Yes.

Senator BRANDEGEE. What was the character of the duress which Japan applied to China in order to get the concessions which she did get?

Mr. FERGUSON. She had her force which she had sent for the capture of Kiaochow still in the Province of Shantung, and scattered along the railway northward to Lung Kow——

Senator BRANDEGEE. Do you know how large that force was?

Mr. FERGUSON. Yes. May I finish my answer and then I will explain?

Senator BRANDEGEE. I beg your pardon, certainly.

Mr. FERGUSON. Northward to Lung Kow, westward to Tsi-nan Fu, the capital of Shantung Province, and eastward to Tsingtan. That force was officially stated to be somewhere between 50,000 and 60,000 men. Japan sent her troops to replace either all those or a portion of those which she had already sent as her expeditionary force against Kiaochow. She had already sent forces, but replaced them when these demands were being made there, so that the force which she had at that time must have been somewhere between 60,000 and 70,000 men in various parts of the Province. She did not take away the original forces that she had sent new forces to replace, but left them all there until China had consented to her ultimatum. Furthermore, she assembled her fleet at Sasebo, her naval base, which is almost directly east and about 20 hours' steaming from Kiaochow on the coast of Japan; and she had sent word through her consular officers asking all Japanese to come from interior places and report at coast towns. In my experience, outside of the Boxer year 1900, when all nations sent forces to China, there has never been anything like the size or the threatening attitude of the forces of any nation, such as Japan used in obtaining this concession from China.

Senator KNOX. What period of time did the ultimatum prescribe?

Mr. FERGUSON. It was given to the Chinese Government on May 7, shortly after noon, and May 9 at 6 o'clock an answer was demanded.

Senator BRANDEGEE. Do you think that China would have granted the concession to Japan in the absence of this military demonstration?

Mr. FERGUSON. No, sir, it caused the resignation of the Minister of Foreign Affairs who had made the negotiations, and a new man was appointed, Mr. Lu Cheng-Tsiang, who afterwards was sent as the head of the Chinese Commission to the Paris Conference, the Chinese Government fearing that this very question would arise, and showing by the appointment of the same man as the head of the Chinese delegation who had signed those treaties under duress her sincerity in the position which she has consistently maintained that the treaty was signed under duress. I understand from the Chinese delegation—I was not present at Paris myself and only speak from the report to me directly by a member of the Chinese delegation who was there—Mr. Lu made that statement also to the Paris Conference, that he signed the treaty of May 25, 1915, under protest.

May I state also, Senator, that in the official statement given out by the Chinese Government after the conclusion of the negotiations and the signature of the treaty that fact is also mentioned?

Senator BRANDEGEE. Do you mean the treaty of Versailles?

Mr. FERGUSON. No; the treaty of 1915 with Japan.

Senator BRANDEGEE. How extensive is this territory of Kiaochow?

Mr. FERGUSON. It is not an important territory or an extensive territory. It has about a million people. It is important——

Senator BRANDEGEE. I mean in square miles?

Mr. FERGUSON. May I refer——

Senator BRANDEGEE. Put it in the record later.

Mr. FERGUSON. Yes; I will put it into the record.

Senator BRANDEGEE. Just one question. In view of Senator McCumber's question as to whether all concessions granted by China to other nations were not obtained substantially under duress, I wanted to ask you whether the other concessions were obtained under duress by the exhibition of military power, or whether they

were intimations that loans would be withheld and trade withdrawn and things of that kind?

Mr. FERGUSON. All those means have been used at different periods by nations.

Senator BRANDEGEE. But none to such an extent as this Japanese demonstration?

Mr. FERGUSON. The only military pressure I have known was that exercised by Germany in the seizure of Kiaochow. No other nation as far as I know in obtaining concessions has used military force. The other has always been political or economic, sir.

Senator MCCUMBER. Now, Doctor, I think we all agree that this concession was obtained by duress.

Mr. FERGUSON. Yes.

Senator MCCUMBER. But the point I wanted to get at in my question was this, that China did grant the right to Japan to obtain from Germany all the rights that Germany had, and she obtained this by the treaty of May 25, 1915, admitting that it was by duress?

Mr. FERGUSON. Yes.

Senator MCCUMBER. Then eliminating the question of duress, under what theory could China claim that a declaration of war against Germany would vitiate her contract made with Japan that Japan might obtain by force whatever interest Germany had?

Mr. FERGUSON. May I say that in that matter the Chinese Government took the advice of two eminent French international lawyers. If the committee will excuse me from mentioning names I will not mention names, but I am stating what is within my own individual knowledge, that she took the advice of two eminent French international lawyers, of the most eminent Russian jurist who was known to the president of the Board of Foreign Affairs, who had formerly been minister in St. Petersburg; of an eminent Dutch jurist of Holland, and of an eminent international jurist from Belgium, and based her claim on the advice which was given to her by those jurists, that is, that her declaration of war against Germany, notwithstanding her contract which had already been made in 1915 with Japan, of itself vitiated not only the German lease but also the treaty with Japan.

Senator BRANDEGEE. Was that the unanimous opinion of these jurists?

Mr. FERGUSON. Yes; all expressed, of course, as you might expect from such men, in very different language, and for very different reasons, and quoting very different precedents; but as I had the reading of all those opinions, I might say that they were unanimous in their opinion.

Senator MCCUMBER. Then, Doctor, eliminating the question of duress, a Russian lawyer, two French lawyers, a Belgian lawyer, and a Holland international lawyer, advised China that notwithstanding the fact that she had solemnly agreed that if Japan should seize this territory and take it from Germany, Japan might hold all the rights that Germany held, that notwithstanding all this a declaration of war by China against Germany would vitiate the contract that China made with Japan without taking into consideration the matter of duress.

Mr. FERGUSON. Yes; because China had continually held that the settlement of the Kiaochow question was a post bellum settlement.

That is, while she was still neutral, and that was the whole point of her controversy with Japan during the 21 demands, that the settlement of the Kiaochow question, involving as it did not only the interest of Germany and Japan but also the general trade interests—because, as you know, all countries that have treaties with China have the most favored nation clause, which gives them also the advantages that are given to any single nation—that in consideration of that fact international interests were also involved, and that the whole question should go to the peace conference which would be held at the conclusion of the war for adjustment.

That was the position which the Chinese government maintained, and which it considered to have been strengthened and made secure by her declaration of war against Germany. Perhaps it is closer to the statements of those jurists to say that the claim that China had made that the whole question, involving interests which were international as it did, was a post-bellum settlement, which would go to the final peace conference, rather than be the subject of a negotiation between China and Japan or China and Germany directly. That was also involved in the statement of those jurists, of course.

Senator McCUMBER. I am willing to rest the matter on whatever theory China may claim, that her agreement with Japan can be vitiated by the declaration of war.

Mr. FERGUSON. Yes.

Senator McCUMBER. Anyway she can arrive at that.

Mr. FERGUSON. Senator, before passing on may I read the note exchanged between China and Japan on May 25, 1915? I do not know whether it has been read into your record of this committee or not.

Senator McCUMBER. Read it in, by all means.

Senator BRANDEGEE. It was read in the other day, but you can read it again.

Senator McCUMBER. Repeat it.

Mr. FERGUSON. I did not know whether it had been read in.

Senator JOHNSON of California. Just read it, will you?

Mr. FERGUSON (reading):

When, after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan—

Senator WILLIAMS. Whose statement is that?

Mr. FERGUSON. This is the statement in the notes exchanged between China and Japan. The two notes are identical with the exception of the heading, in the one case "I beg to state on behalf of the Chinese Government," and in the other case "I beg to state on behalf of the Japanese Government."

Senator McCUMBER. The first you are reading is from the Japanese Government to the Chinese Government?

Mr. FERGUSON. Yes, sir.

The CHAIRMAN. The notes are identical.

Senator McCUMBER. Yes; but one is in answer to the other.

Mr. FERGUSON (reading):

When, after the termination of the present war, the leased territory of Kiaochow is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions:

1. The whole of Kiaochow Bay to be opened as a commercial port.

That is the residential portion, for foreigners. [Continuing reading:]

2. A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.

3. If the foreign powers desire it, an international concession may be established.

4. As regard the disposal to be made of the buildings and properties of Germany and the conditions and procedure relating thereto, the Japanese Government and the Chinese Government shall arrange the matter by mutual agreement before the restoration.

Senator WILLIAMS. The Japanese answer to that was identical?

Mr. FERGUSON. Identical.

Senator MCCUMBER. The Chinese Government simply replied, stating that they had received a note which provided so and so?

Mr. FERGUSON. Yes, sir.

Senator MCCUMBER. Will you, then, follow that up by reading the first article of the treaty itself which was signed between Japan and China, and place it in the record?

Mr. FERGUSON. The first article, sir?

Senator MCCUMBER. Yes.

Mr. FERGUSON. Yes. [Reading:]

ARTICLE 1. The Chinese Government engages to give full assent—

This is the one you refer to?

Senator MCCUMBER. Yes.

Mr. FERGUSON (continuing reading):

to all matters upon which the Japanese Government may hereafter agree with the German Government, relating to the disposition of all rights, interests, and concessions, which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

Senator MCCUMBER. Is that all of the first article?

Mr. FERGUSON. Yes, that is all of the first article. The second relates to the railways.

Senator MCCUMBER. I have not the book here, but I think that in one of the articles the clause is inserted reserving the right of sovereignty.

Mr. FERGUSON. No, sir.

Senator MCCUMBER. That may be in the notes—reserving for China the right of sovereignty.

Mr. FERGUSON. Shall I read the whole of it?

Senator MCCUMBER. No, it is not necessary to read the rest. Have you there the treaty between China and Germany?

Mr. FERGUSON. The original treaty of 1898?

Senator MCCUMBER. Yes. It is probably in the first article of that treaty.

Mr. FERGUSON. Yes, it is in the first article of that treaty.

Senator MCCUMBER. I think the stenographer has my little record that I had the other day. I do not think it has been returned to me.

Mr. FERGUSON. I have not that here, but it is, within my knowledge, in the first article of that treaty.

Senator MCCUMBER. China, in granting to Germany the rights under the treaty, retained her sovereignty over the territory included in the concession.

Mr. FERGUSON. Except Tsingtaw, that one spot, which is to be under the exclusive jurisdiction of Japan.

Senator MCCUMBER. No; I am not speaking of Japan now; I am speaking of the treaty between Germany and China.

Mr. FERGUSON. Yes; there China retained absolute sovereignty.

Senator McCUMBER. That is, over all the territory?

Mr. FERGUSON. Over all the territory; yes, sir.

Senator McCUMBER. Therefore, when China granted to Japan the right to obtain the German concession, she granted to Japan no further rights than Germany had obtained, except such as is contained in article 2 of the treaty between Japan and China?

Mr. FERGUSON. Under the conditions; yes, sir. China is a long distance away, and if I might——

Senator McCUMBER. May I ask you just one question that is in my mind now?

Mr. FERGUSON. Yes.

Senator McCUMBER. At the time that Germany obtained her concession, did not Germany also give a note to the United States to the effect that she claimed no sovereignty over any of this territory?

Mr. FERGUSON. Yes, sir; that was the inauguration of the Hay doctrine. It was the protest of the United States Government to Germany that inaugurated what is now known as the Hay policy or the Hay doctrine, or whatever it is called.

Senator McCUMBER. Therefore, we may say definitely that whatever concessions Germany obtained, she had no right of sovereignty over any of the district covered by the concession?

Mr. FERGUSON. No, sir; and I might state also that in actual operation she never claimed any such sovereignty or made any attempt to exercise such sovereignty.

Senator McCUMBER. Therefore Japan obtained from Germany no sovereignty over any of this territory?

Mr. FERGUSON. No, sir. Might I continue, there, to say——

Senator McCUMBER. Certainly.

Mr. FERGUSON (continuing). That after acquiring the German rights in 1915, Japan did take certain sovereign rights not only in the leased territory of Kiaochow but throughout the Province of Shantung, by the establishment of the civil administration on October 1, 1917, which was officially proclaimed in the Government Gazette at Tokyo.

Senator McCUMBER. But she had no authority to do that under her agreement with China?

Mr. FERGUSON. No.

Senator McCUMBER. That was in violation of the agreement?

Mr. FERGUSON. That was in violation of all precedents and all agreements and everything else.

Senator McCUMBER. Yes. Japan in her note has agreed with China that she will return a portion of this territory?

Mr. FERGUSON. Yes.

Senator McCUMBER. And can you tell us what proportion is retained by Japan under article 2—that is, what proportion in population and size?

Mr. FERGUSON. In population it is about half the total population of Kiaochow. In size it is anywhere from one-tenth to one-fifteenth; I should say probably about one-tenth.

Senator WILLIAMS. One word right there, if you please.

Mr. FERGUSON. Yes.

Senator WILLIAMS. You mean one-tenth of Kiaochow?

Mr. FERGUSON. Yes; of Kiaochow.

Senator WILLIAMS. Not one-tenth of Shantung?

Mr. FERGUSON. Yes; I mean just one-tenth of Kiaochow.

Senator MCCUMBER. Now, what rights may Japan exercise over the territory in which she retains sovereign authority?

Mr. FERGUSON All rights; commercial, economic, governmental, military. In that area is the terminus of the railroad.

Senator MCCUMBER. You mean that she may exercise a right over that territory that would be inconsistent with the policy of the open door, etc., that has been established?

Mr. FERGUSON. Yes; she can establish her own customhouse. I should say she obtains the same rights over that concession of Tsingtau which England got from Germany by the retrocession of Helgoland on her coast.

Senator MCCUMBER. And the right to exclude from that territory foreign ships and foreign trade?

Mr. FERGUSON. Not under the treaty.

Senator MCCUMBER. But she would have the right to do so except as she is bound by treaties?

Mr. FERGUSON. By treaties with other nations.

Senator MCCUMBER. And as notes are exchanged on that?

Mr. FERGUSON. And it would become, ipso facto, a part of Japan, and be under the same status, so far as treaty rights are concerned, as to foreigners, as any other part of Japan is.

Senator BRANDEGEE. What is the population of China? What is the best estimate you can give?

Mr. FERGUSON. About 375,000,000, I should say.

Snator BRANDEGEE. What is the population of the Province of Shantung?

Mr. FERGUSON. 38,000,000, according to the statistics of the maritime customs, which is the official basis.

Senator BRANDEGEE. You started to say something a minute ago, when Senator McCumber wanted to ask a question because he had it right in his mind, and then you did not finish. You said that China is a long distance away, and then started to say something else.

Mr. FERGUSON. I have just introduced what I intended to say, by the simile of Heligoland on the coast of Germany, as presenting a similar condition to that of Tsingtau on the coast of China.

Senator BRANDEGEE. Do you know anything, either from reading oriental literature or from advices, or from personal information, as to what the feeling of the Chinese people generally is about the concession of Shantung to Japan?

Mr. FERGUSON. I know from actual experience. I left China, I might state, at the end of April, and I know from personal experience up to that time what the feeling in China was, and since that time I have had official communications and also read constantly the daily press of China and I know what the opinion there is. I think it is not too strong to say that the feeling is a feeling of outrage that China has not only in this instance been forced to a specific act by one foreign nation, but that by the treaty for the first time a union of nations comes in to give sanction to a thing which she feels is wrong and is an outrage on her sovereign rights. In every former instance where such concessions have been wrung from her, the balance of power among nations has always made it possible that some powers would come to her and say, "We are sorry for you and we will help

you out as much as we can." In this instance China feels that she has been robbed of her rights in Shantung by one nation, originally by Germany, and those rights transferred to Japan, and that all the other nations have come along and have joined in approval of what seems to her an infamous act; and among those powers that are approving it is the Nation which she has always counted as her most disinterested friend, the United States. Does that answer your question?

Senator BRANDEGEE. Yes. I want now to follow that up by asking you, are you still acting in an advisory capacity to the President of China?

Mr. FERGUSON. Yes; I am still acting as adviser to the President of China. I came here on official work for the Government of China, and I expect to return at the end of October.

Senator BRANDEGEE. Are you able to state whether the opinion that you have described as being prevalent among Chinamen is the the opinion of the President of China?

Mr. FERGUSON. Unquestionably; and of the premier, and of practically every member of the cabinet, of all of the governors of the Provinces whom I have met, of the chairmen of the Chinese Chamber of Commerce at Peking, at Tientsin, and Shanghai and Hongkong, all of whom I have met in the last six months.

Senator BRANDEGEE. You speak of reading the native press. Do you speak Chinese as well as read it?

Mr. FERGUSON. Yes, naturally. All my official dealings are in the native language. I never use interpreters.

Senator BRANDEGEE. So that you are able to ascertain at first hand the opinions of prominent men in China?

Mr. FERGUSON. Yes; when I meet the President of China, no one else is present, and I talk directly with him as I would with the President of our own country, and without intermediaries.

Senator MCCUMBER. China was equally indignant when Germany seized her territory under the threat of arms?

Mr. FERGUSON. Yes, sir.

Senator MCCUMBER. And she is indignant now; and not only because of this act but because of a series of like acts over a number of years, whereby China's territory has been taken?

Mr. FERGUSON. Yes, sir.

Senator MCCUMBER. And her sovereignty over that territory eliminated by the great Caucasian powers?

Mr. FERGUSON. Yes, sir. The feeling was so strong that it brought about the Boxer movement in 1900, of course. But may I add, Senator——

Senator MCCUMBER. Yes.

Mr. FERGUSON (continuing). That in this instance the circumstances are unique; because, whereas in former seizures, for instance in the seizure of Kiaochow by Germany in the first instance, China suffered but England came at once to her rescue and took a friendly occupation of Wie-Hai-Wei, which is a part of Shantung Province, it was a friendly occupation of Wei-Hai-Wei, and England took that possession in order to offset the German forcible seizure of Kiaochow, which immediately following it, the United States issued that note to Germany, and afterwards communicated it to all the great powers, guaranteeing in future the territorial integrity of China, and the open

door in commerce; so that although China at that time lost out by the action of Germany, she still felt that behind her was the support of the great majority of western nations.

Senator McCUMBER. And she felt, also, that she could play one of these nations against the other?

Mr. FERGUSON. Yes; which has been the center, as I might state without any fear of contradiction, and I think in doing that I would state that that had been the only foreign policy available to China since the beginning of her treaty communications, to play one power off against another.

Senator McCUMBER. My questions, Doctor, are leading toward another point.

Mr. FERGUSON. Yes, sir.

Senator McCUMBER. They are based upon this proposition, that the Caucasian race has taken advantage of the yellow race wherever it could do so, and that even the American nation has not been entirely free from censure in that line, as is evidenced by the fact that we sent Admiral Perry over to Japan and compelled Japan, under the shadow of the great guns of our fleet, to open up her ports.

Mr. FERGUSON. Might I say there, in relation to the opening up of Japan, that we sent that expedition under Admiral Perry not to compel Japan to open her ports, but to compel her to give satisfaction for murdering American seamen on her coasts.

Senator McCUMBER. And that resulted in the opening of her ports?

Mr. FERGUSON. Yes, sir.

Senator McCUMBER. Put it in whatever way you like. Now, do you not think that the time has arrived when the great nations of the world ought to agree together and have some kind of a compact that they will cease their past conduct—their conduct, in the light of the past—against China, and that they will do all that it is possible to do to compel Japan to return Shantung and Kiaochow to China?

Mr. FERGUSON. Yes, sir; but in order to do that it will be necessary for many of the great nations to release China from existing obligations.

Senator McCUMBER. But at least they ought to agree that they will not carry on their efforts to seize Chinese territory any further.

Mr. FERGUSON. They did make such an agreement in 1899, sir, and no Chinese territory, with the exception of this taking over of Japan, has been seized since 1899. They promised Mr. Hay in the reply to his notes—Great Britain, Japan, France, Russia, and Germany—that they would not take any more territory from China, and no territory has since that time been taken from China except this present transfer of German rights in Shantung to Japan.

Senator KNOX. May I ask you a question?

Mr. FERGUSON. Yes, sir.

Senator KNOX. Were not the benefits of that agreement further expanded along about 1911, when the great nations of the earth, including Germany, Russia, the United States, France, Great Britain, and Japan, entered into a consortium for the purpose of assisting China to carry out her definite program of reforms and to abstain from acquiring spheres of influence?

Mr. FERGUSON. Yes, sir.

Senator KNOX. And to operate generally for the advantage of China?

Mr. FERGUSON. Yes, sir; and the object of that banking consortium also was that each nation should disclose to the other its financial arrangements concerning China.

Senator KNOX. And that no concessions or advantages were to be obtained in China except they were participated in by all the nations?

Mr. FERGUSON. Yes, sir. May I answer further in elucidation of that?

Senator KNOX. Yes, sir.

Mr. FERGUSON. That arrangement went on very well until 1912, when the new republic was formed in China, displacing the old Monarchy, and it was necessary in order to carry on the affairs of the Government for the Central Government to make a loan quickly, and it made a loan through some Belgium bankers, which is generally known as the Crisp loan, which interfered with that plan. But that was only a temporary interference, and in 1912 the American Government took the position that this banking consortium was securing such a hold over the financial interests of China that although it was international in character, it was leading directly to the point where it might be necessary to take over the control of the customs, the receipts of revenue and the disbursements, and thus have a practical interference with the internal administration of China.

Senator KNOX. But that was only done for the service of the loan?

Mr. FERGUSON. Yes, sir; and you will remember that President Wilson and Secretary of State Bryan notified the American group of bankers that the protection of the United States would be withdrawn from them.

Senator KNOX. Yes.

Mr. FERGUSON. And might I state also in further elucidation of what Senator McCumber asked me, that the reason for the action of President Wilson and Secretary Bryan at that time was the fear lest in any respect America should deviate from her well-known policy of noninterference in the internal affairs of China. It created a great deal of comment and made a great deal of dissatisfaction among our American bankers. Yet so strong was the feeling of the present administration that no interference should occur in the internal administration of China that that drastic action was taken. I may say that it has since been reversed, because the administration has within the last year taken a new policy and has approved a return of this American group of American bankers.

Senator KNOX. That alleged interference there was predicated upon the fact that there was a foreign financial officer to see that the money advanced by the six-power group was used for the purposes for which it was advanced, honestly used for the purposes of China; is not that correct?

Mr. FERGUSON. That is correct as far as it goes, but I do not think that would be a complete statement of the situation.

Senator KNOX. Has not this administration since it overthrew that arrangement in the spring of 1913, which I think was within a very few weeks after this administration came in, has not it sought to renew that consortium?

Mr. FERGUSON. Yes, sir; within the last year, and the arrangement has already been entered into, Mr. Thomas W. Lamont being the representative of the American bankers, Sir Charles Addis representing the British bankers, Odagari representing the Japanese and Simon representing the French. That arrangement has been entered into within the last two months in Paris by these four groups to become again a quadruple group. It was first a quadruple group, then a quintuple group, and finally a sextuple group.

Senator KNOX. It is in effect a renewal of the policy of the previous administration in that particular?

Mr. FERGUSON. As far as I know. I know that the group has been organized, but the basis on which it has been organized, whether or not the same as on the original basis, I have no means yet of ascertaining.

Senator KNOX. I might tell you that having read it I find that it is the same except that it is expanded to include industrial lines, which the consortium did not intend to cover.

Now just one more question. Is it not a fact that American prestige in China had reached its high-water mark along about 1912 by reason of these altrustic efforts instigated by the United States to bring the other nations of the world in accord to assist China to develop herself?

Mr. FERGUSON. It was higher in 1912 than in any other time. It was higher in 1917 and 1918 and had suffered no diminution from its greatest height, until news began to leak out from Paris of this arrangement concerning Shantung, to which the United States was apparently preparing to accede.

Senator KNOX. Let me ask you this in reference to Senator McCumber's suggestion that the Caucasian race had habitually taken advantage of China by acquiring spheres of influence and territory and all that sort of thing. Is not the distinction between these transactions and other transactions this, that the United States never was a party to any of those?

Mr. FERGUSON. Exactly. I thought I brought that out in my first statement in answer to Senator Lodge.

Senator KNOX. Perhaps you did.

Mr. FERGUSON. The difference is that the United States never has taken any Chinese territory and never has been a party to other nations taking it, and as far as my knowledge goes has always taken some means of protesting against it, either by the exchange of notes with other powers or by a representation through the American Minister in Peking to the Chinese Government saying that they greatly regretted the action that had been taken. It has frequently been done.

Senator BRANDEGEE. I wanted to ask Senator McCumber if he desired to proceed without interruption.

Senator MCCUMBER. I have only a question or two, if the witness is not taken away from me.

Mr. FERGUSON. I do not object in any sense to interruption by any Senator.

Senator BRANDEGEE. I was speaking about interrupting the Senator.

Mr. FERGUSON. I beg your pardon. I thought you meant interruptions to me.

Senator BRANDEGEE. No.

Senator McCUMBER. You have spoken of an exchange of notes between the great powers, including the United States, whereby the general policy was outlined that all of these great nations would refrain from adding to their territorial limits by the seizure of Chinese territory?

Mr. FERGUSON. Yes, sir.

Senator McCUMBER. Now, of course, those were executive declarations and hardly had the sanctity and force of treaties. Now, do you not think that we would greatly strengthen that general idea if instead of mere diplomatic notes between the heads of governments, the nations themselves would enter into a solemn compact that not only would they refrain from any further seizure of Chinese territory but that they would see to it that no other one of the great nations should seize that territory, and use the force of war if necessary to accomplish that result. Would that not be a great protection to China?

Mr. FERGUSON. I should say, yes, sir; if that action were not based upon connivance and what our American conscience must recognize as an infamous and scandalous deal, and that there can be no just acquiescence on the part of great nations in any policy which is based primarily upon an unjust and unrighteous act.

Senator McCUMBER. Must not these nations if they enter into a compact recognize the fact that Japan in her diplomatic notes with China has agreed absolutely to the return of that territory?

Mr. FERGUSON. Yes, sir; but the point which I make is this, that nations never before had been asked to connive—not only the United States, but other nations—to connive at the seizure of property and upon that base the promise that they never would do it again. It does not seem to me a hopeful attitude for the future, and I am sure in that respect that I should be expressing the attitude of the Chinese Government in the matter, that a definite promise never to steal in the future should not be based upon the promise that a theft which is already made should be overlooked.

Senator McCUMBER. But suppose you have not only the definite promise not to steal in the future but the promise of the nation who did the stealing that it will return the property and the nations of the world back that agreement for the return of that property?

Mr. FERGUSON. I might say, sir, whereas I have no authority to speak on behalf of the Chinese Government that I would risk the statement as being correct that if any such propitious event as that could take place that Japan would return all that she has got from Germany or China and carry out what she said in her ultimatum to Germany of August 15, 1914, the eventual restoration of the whole leased territory of Kiaochow, and if on top of that all the nations of the world would guarantee that this should be carried out, China would resume a condition not only of tranquillity but also of great satisfaction with the result.

Senator WILLIAMS. May I ask the witness a question?

Mr. FERGUSON. I would like to return to that a moment later, Senator, if I may?

Senator McCUMBER. Certainly.

Senator WILLIAMS. Is it not a fact that all treaties settling great world wars have been founded largely upon the status quo at the end

of the war? Is there anything new in Japan's keeping possession of what she conquered from Germany?

Mr. FERGUSON. No, sir; so far as I know.

Senator WILLIAMS. Now then the only thing new that is being proposed to the world is that that sort of thing shall not take place.

Mr. FERGUSON. No, sir; the only thing new about that in my mind is that we are asking a nation which has had a different policy to change her policy and connive at it and agree to this settlement.

Senator WILLIAMS. That is a different way of expressing it, but what we are all really agreeing to do is to let Japan keep what she conquered from Germany and what came to her by cession from China.

Mr. FERGUSON. Oh, no, sir. May I state that that is not what we are agreeing to? By the treaty we are agreeing to give Japan a great deal more than she got from Germany.

Senator WILLIAMS. That is a difference of interpretation between me and you. I do not want to argue, of course, but I think that when Japan made a treaty with China that she was to take over the German possessions, she took over them and nothing more. But let that pass. I think we have three or four Senators right here now on this board who live in territory that we took from Mexico as the result of war. Half of Europe is based upon treaties concluded at the end of the Thirty Years' War and the Napoleonic wars and I do not know what else, and in all those cases the status quo at the end of the war was put on the map.

Senator MOSES. I should like to point out right there, Mr. Chairman, that that territory was taken from enemies and not from Allies.

Senator WILLIAMS. This was taken from an enemy, too; I mean by Japan. I do not want to get into an argument, gentlemen, nor to get into a debate about that. Of course I am not a witness, nor am I in favor of the Shantung provision. I do not like it, myself.

Mr. FERGUSON. I am very glad to hear you say it, sir.

Senator WILLIAMS. But I am just remarking to the witness that in denominating it perfidy and shame and all that, it is going pretty far if he will take account of the history of the world.

Mr. FERGUSON. May I ask the Senator if it was not stated in the record that I was saying, in characterizing it as infamous and dishonorable, and so forth, that that was the opinion of the Chinese Government and the Chinese people?

Senator WILLIAMS. I did not so understand you. That was the opinion of the Mexican Government toward us.

Senator FALL. May I call attention to the statement just made by the Senator from Mississippi in which he refers to the fact that there are some Senators around the table who are representing territory that was obtained by the United States in a similar way to that in which Japan is acquiring this territory of Shantung. Of course we all recognize the fact that the Senator——

Senator WILLIAMS. I am not putting them on the same level, except that they are both acquisitions, that is all.

Senator FALL. The Senator from Mississippi is usually very correct in any historical allusion or parallel that he may make or draw. The territory that he refers to, however, which is represented by two of the Senators—Senator Smith of Arizona and myself—was not

acquired in the first place by conquest. A large part of the territory represented by the Senator from Arizona and myself was acquired by treaty with the sovereign Republic of Texas, which became afterwards the State of Texas. The other portion of the territory, which is represented by the Senator from Arizona, and that which is represented by the Senator from California, was acquired by purchase, by treaty. It was later confirmed by another acquisition by purchase of additional territory. This territory was acquired by three distinct purchases, one from the State of Texas, one from the State of Mexico, and a subsequent purchase, confirming the title and acquiring a small additional territory from the Government of Mexico. It is often said that we acquired this territory by an outrageous act of acquisition——

The CHAIRMAN. We paid $20,000,000 for it.

Senator FALL (continuing). But the historical facts are to the contrary.

Senator WILLIAMS. I hope the Senator will not allow me to be put in the attitude of saying that the Mexican War was outrageous. So far as I am concerned I think it was very much justified, and I had a grandfather who was wounded during the war and a lot of relatives who went out to help Texas gain her independence before the war. They were justified. I am merely saying that it is nothing new to the world to have conquests recognized in a treaty of peace at its conclusion.

Senator MCCUMBER. Doctor, if I understood your statement correctly, it was that under this treaty we in some way give to Japan more than Germany had of Chinese rights?

Mr. FERGUSON. Yes, sir.

Senator MCCUMBER. Well, now, what do we assure to Japan other than that which is granted by article 156, which is nothing more or less than the German renunciation in favor of Japan of all her rights, titles, and privileges obtained in China. All that Japan gets under that is that Germany surrenders to Japan what rights Germany had in it, and I do not think that you will find anything in articles 156, 157, end 158 further than the mere renunciation of German rights in favor of Japan. Wherein in the treaty does Japan obtain any other additional rights that we have recognized?

Mr. FERGUSON. In reply to your question, Senator, if you will open to article 156, the second paragraph reads as follows:

All German rights in the Tsingtao-Tsinanfu Railway, including its branch lines, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant, and material for the exploitation of the mines, are and remain acquired by Japan—

Now, the point comes in here:

together with all rights and privileges attaching thereto.

Senator MCCUMBER. Well, that is Germany's agreement with Japan.

Mr. FERGUSON. There is not a clear understanding of that. That is not what the Chinese Government understands that to mean. It understands, or it fears, rather—perhaps I should not use as strong a statement as that it understands—but it fears that the right which it had to take over and redeem German interests in railways and mines in the Shantung Province now goes definitely to Japan, and they remain acquired by Japan without any prospect of having

them come back to her. It is the same with the submarine cable. I might point out that the railway was a privately owned railway, not a Government State railway, and the mines were owned by the Shantung-Berbou Co.; and only a portion of the capital in the submarine cable—at least it was so stated by the Chinese Government—was German Government property. And this private German property is taken over without any power of the Chinese Government to redeem it in future, as China can do with all other railway concessions in China, and it goes into the hands of Japan and remains acquired by Japan.

Senator McCUMBER. Doctor, let us see what the words "remain acquired by Japan" refer to.

Mr. FERGUSON. They refer to the German rights, sir. There is no question about that.

Senator McCUMBER. They refer to the first proposition:

Germany renounces, in favor of Japan, all her rights, title, and privileges—particularly those concerning the territory of Kiaochow—railways, mines, and submarine cables which she acquired in virtue of the treaty concluded by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

Mr. FERGUSON. Yes.

Senator McCUMBER. All German rights. Then this is descriptive of them—

All German rights in the Tsingtau-Tsinanfu Railway, including its branch lines, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant, and material for the exploitation of the mines, are and remain acquired by Japan, together with all rights and privileges attaching thereto.

Mr. FERGUSON. Yes.

Senator McCUMBER. The words "are and remain acquired" refer back to the first provision, that Germany renounces all those rights, and of course in the renunciation of those rights they remain in Japan. Now——

Mr. FERGUSON. I am sure——

Senator McCUMBER. Let me finish my question, Doctor.

Mr. FERGUSON. Certainly.

Senator McCUMBER. Remain for how long? They certainly could not remain longer than the 99 years, could they?

Mr. FERGUSON. The Chinese Government so fears.

Senator McCUMBER. She so fears, but under the wording of the treaty——

Mr. FERGUSON. She considers——

Senator McCUMBER. Whatever Japan acquired of the German rights, if the German rights expire at the end of 99 years after 1898, of course the Japanese rights would have to expire with that, would they not?

Mr. FERGUSON. I should hope so; but I myself consider, and have advised the Chinese Government, that I consider the wording of the section to be so indistinct that that is a very dubious question, sir.

Senator McCUMBER. And if in addition to this acquiring simply of the rights of Germany, Japan enters into another treaty with China whereby she agrees to return the territory to China, do you not think she ought to be held strictly to that by the other great nations of the world, and would be so held in case of a league of nations?

Mr. FERGUSON. I should hope so. May I express the reason why the Chinese Government fears as it does?

Senator MCCUMBER. Certainly.

Mr. FERGUSON. Under article 4 of the note of May 25, 1915—I think you have a copy of it there—it says:

As regards the disposal to be made of the buildings and properties of Germany and the conditions and procedure relating thereto, the Japanese Government and the Chinese Government shall arrange the matter by mutual agreement before the restoration.

That is what China agreed to in her dealings with Japan. Now Japan takes this matter to Paris, and Paris gives her very much more than she got from China, by taking all this, and without any reference to China turning it over to Japan. Do you see my point, sir? Under article 4 of the note of May 25 the disposal of all this property outside of the leased territory of Kiaochow was to be by mutual arrangement between the Chinese and Japanese Governments. Under articles 156 and 157 it is disposed of without any reference to the Chinese Government, by turning it over directly to Japan, and the wording is "are and remain acquired by Japan;" so that it is very natural that the Chinese Government should fear that the reason of Japan in changing the method of procedure which was provided for in the note which was wrung from China under duress on May 25, 1915, to the terms of articles 156 and 157, would naturally be in the interest of Japan herself, and therefore China entertains the fear that what Japan means by this is that this shall all come under the same heading as article 2 of that same note referring to concessions, that it shall go to the exclusive jurisdiction of Japan without any reference further to China.

Senator MCCUMBER. Doctor, notwithstanding what the Chinese may fear, I think both you and I must give this article a construction in conformity with the theory that Germany transfers to Japan these rights, and whatever Japan receives under article 156 is the German right and nothing but the German right, and that is by virtue of her treaty with Germany. Now if she has another treaty with China whereby in addition to this she agrees to turn back what she does get from Germany under article 156, she must be held to return it; and referring to article 2, there we must assume at least that good faith will be exercised in the making of the agreement with China. If she does not act in good faith, she is breaking her agreement with China.

Mr. FERGUSON. May I call your attention to the reason why it does not seem to me that that is the only possible interpretation of article 156?

Senator MCCUMBER. I shall be very glad to have your view.

Mr. FERGUSON. Because in the first paragraph you will notice, Senator, that Germany renounces in favor of Japan. Now if paragraph 2 and paragraph 3 stated the same thing, there would be no possible doubt that your interpretation of that is the only possible interpretation. But in view of the fact that the first section says she renounces that in favor of Japan, and the next section takes these things all up into a group and says that they are and remain acquired by Japan, surely there is some reason for the difference in the wording, and that gives very serious distress to China, and leaves open the possibility of Japanese claims in that matter; and it is not

invidious to say that Japan has been eager to acquire from China, through every possible loophole of verbiage or transaction, all available opportunity for her own aggrandizement.

Senator McCUMBER. Doctor, you yourself would not claim that by the use of the word "renounces" Japan would obtain anything in addition to what she would have obtained had they used the words "Germany grants to Japan all her rights?"

Mr. FERGUSON. No, sir, that is quite clear. That part is quite clear—the first paragraph.

Senator McCUMBER. Japan, after all, under whatever the term used may be, can only obtain what Germany obtained.

Mr. FERGUSON. Under the first paragraph, yes, but note that the treaty can give Japan a great deal more than Germany had.

Senator McCUMBER. It does not give anything more unless the words "remain acquired by Japan" mean that it remains acquired in perpetuity.

Mr. FERGUSON. That is what it seems to me to mean.

Senator McCUMBER. Then Germany would be renouncing more than she had.

Mr. FERGUSON. No, sir. Germany does her act of renunciation in the first paragraph. The second paragraph is the statement of all the signatory powers to this treaty, not Germany's renunciation. Germany's renunciation is in the first paragraph.

Senator McCUMBER. I do not believe that any civilized nation will give it the construction that China fears.

The CHAIRMAN. I may not be civilized, but I give it that construction.

Senator McCUMBER. I do not think any civilized nation would.

Mr. FERGUSON. Senator, I may say that China has had experience in this matter in dealing with Japan in reference to Korea and in Manchuria.

The CHAIRMAN. And so has everybody else.

Mr. FERGUSON. And has had a long line of precedents that cause her to be wary of such phrases, and she has a serious fear of that phrase.

Senator McCUMBER. We do not blame her for being suspicious.

Senator WILLIAMS. I would like to ask a question——

Senator FALL. I should like to ask a question when the opportunity arises.

Senator McCUMBER. I yield to the Senator.

Senator FALL. I yield to the Senator from Mississippi.

Senator WILLIAMS. On this very point I want to ask you, whatever may be the case as to treaties between China and Japan, and whatever may have been bad faith in the past, we are talking now about this treaty.

Mr. FERGUSON. Yes.

Senator WILLIAMS. In the first clause it says, "Germany renounces," and in the second clause it says, "all German rights," and then the third paragraph says, "the German State submarine cables from Tsingtao to Shanghai and from Tsingtao to Chefoo" and so forth.

Mr. FERGUSON. Yes.

Senator WILLIAMS. And article 157 says, "the movable and immovable property owned by the German State in the territory of Kiaochow."

Mr. FERGUSON. Yes.

Senator WILLIAMS. Now, how can it mean anything except what Germany owns, when it says so in every clause?

Mr. FERGUSON. But Germany did not own. It is the ipse dixit statement of the Japanese Government, as to whether this property, without any legal review of it, was German state owned, or was privately owned, a thing which I do not think has occurred in the handling of private property in any other part of the treaty. It is the ipse dixit statement that this property does belong to the German State; whereas it has been generally supposed, and as far as I know accurately supposed—because I had a great deal of dealings with the administration of the Tsingtao Railway when I was the chief secretary of the Chinese Railway Administration—that it was a privately owned concern, and as far as I know that has never been doubted. That is taken over and has been stated to be German State owned.

Senator WILLIAMS. If it says in this treaty "the movable and immovable property owned by the German State in the territory of Kiaochow," then this treaty can not carry any privately owned property, because it is expressly limited to the property owned by the German State.

Mr. FERGUSON. But who is going to determine that?

Senator WILLIAMS. Well, that is another question, that might come up in treaties between China and Japan, and probably come up to the disadvantage of China. I do now know.

The CHAIRMAN. I have no desire to make an argument, but I want to ask a question. Does not the description "the Tsingtau-Tsinanfu Railway," and "submarine cable from Tsingtao to Shanghai" describe property that is partly private?

Mr. FERGUSON. Yes.

The CHAIRMAN. And gives it to Japan?

Mr. FERGUSON. Yes; as far as my knowledge goes.

Senator WILLIAMS. That is the submarine cable?

Mr. FERGUSON. The submarine cable and the railways.

The CHAIRMAN. I said both the submarine cable and the railway.

Senator FALL. May I ask a question before you get off of this? Is it not your construction, and the fear of the Chinese, as though Germany were making a quitclaim deed to Japan of more property than Germany itself owned, and that that quitclaim deed by virtue of these articles is being turned into what China fears to be a warranty deed to Japan of more than Germany quitclaimed?

Mr. FERGUSON. I think your simile is very much to the point, Senator

Senator JOHNSON of California. Let me call your attention to article 157, to the peculiar language there which may lead to differences in the future:

The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connection with this territory, are and remain acquired by Japan.

Mr. FERGUSON. Yes.

Senator JOHNSON of California. You observe the loose language and the elasticity of it, by which any possible claim might be made by Japan now as the successor of Germany.

Mr. FERGUSON. Yes.

Senator JOHNSON of California. By the way, if they want to preserve any promises——

Mr. FERGUSON. Before you go on, may I call your attention to the last clause of the first paragraph of article 156?

Senator JOHNSON of California. Yes.

Mr. FERGUSON. "And of all other arrangements relative to the Province of Shantung."

Senator JOHNSON of California. Yes.

Mr. FERGUSON. China also fears that very much. There were certain arrangements there which were wrung from her under duress. There may be arrangements there which were made without the knowledge of the central government, made by provincial or local officials, which if the Chinese Government had been cognizant of them would have been promptly disallowed, but this makes the possibility of bringing them forward as a claim for rights. That is a very serious matter. That is the last clause of the first paragraph of article 156, "and of all other arrangements relative to the Province of Shantung." Arrangements with whom? Arrangements with the central government? The government would feel obliged to stand by arrangements made with the central government, but naturally the Chinese Government does not consider that it ought to be held accountable for arrangements with provincial or municipal authorities which had not been reported to the central government.

Senator JOHNSON of California. And if it had been desired by the powers who executed this treaty to preserve the promise of Japan, do you know of any reason why that promise should not have been inserted in the treaty?

Mr. FERGUSON. No, sir; that is the strange part of the treaty, to my mind, that Japan having made a promise to China to return this, having made this statement in her declaration of war against Germany that she would return it, the treaty itself makes no mention of the promise. As far as I know all the obligations of every nation are included in the treaty, and this obligation to return Kiaochow to China, on the part of Japan, is not mentioned in the treaty. May I add there, Senator—I hope I am not too discursive——

Senator JOHNSON of California. No; go ahead.

Mr. FERGUSON. The whole process of restoring Kiaochow to China on the part of Japan could have been such a simple thing that the means which have been adopted since 1914 can only be explained to my mind by the fact that it has been the deliberate policy of Japan to make the return to China as difficult as possible. Japan captured Kiaochow. All she had to do was to turn it back to China at that time and withdraw her forces, and there was no need of referring to anybody. She would have rid herself of German influence in the Far East, she would have kept faith with the Allies, and there would have been no discussion. But, instead of doing that, she has scattered her troops all over the province of Shantung; she has made a civil administration in the province; she has added every possible obstacle to the keeping of her original promise in the ultimatum of restoring Kiaochow to China. The simple, easy process has been made a complicated and difficult one.

Senator JOHNSON of California. Does the possession of the harbor and of the economic rights that have been referred to give Japan practical control of the entire Province of Shantung?

Mr. FERGUSON. Yes; because it gives her the right to police the railroad, which she has already exercised by the appointing, not of ordinary police but of gendarmes, a part of her army organization. That scatters troops along the whole line of the railway for 256 miles.

Senator JOHNSON of California. Can you tell us something about the economic resources of Shantung?

Mr. FERGUSON. The output of the three coal mines, one at Fangtsze, one at Hungshan, and one at Kin-ling-hsien, is about 1,000,000 tons of coal per annum. There are iron mines at Poshan, the possibilities of which have been variously estimated. A German engineer made a fairly low estimate of the possible output of them. They have not been developed. A Japanese expert engineer made a much higher estimate of the possible output of iron. There are also silicate deposits which are used in the manufacture of glass, a very old manufacture in that Province.

The cultivation of silk in the northern part of the Province is one of the great industries. For a very long time a large portion of the silk imported into the United States came from Chefoo. In the northwesterly part of the Province the cotton industry has been recently developed.

The Province is a very rich one, both agriculturally and in minerals.

Senator JOHNSON of California. In comparison with other Provinces in China, what would you say of the productivity and richness in resources of the Province of Shantung?

Mr. FERGUSON. It is in the second class of China Provinces. The most productive Provinces are Kiangsu and Cheh-king. Then, I should say next to those two Provinces would come this Province of Shantung.

Senator JOHNSON of California. Are there any possibilities of commerce or trade in which the United States might be interested with Shantung Province?

Mr. FERGUSON. The United States has very large commercial interests, in the sale of United States exports, and in the imports from that Province.

Senator JOHNSON of California. The distributing point being what?

Mr. FERGUSON. Formerly the distributing point was entirely Chefoo, but after the German occupation of Kiaochow and the development of that harbor and the building of the railroad in 1904, a good many of the products were diverted to the port of Tsingtau.

Senator JOHNSON of California. Then, we have a material interest in Kiaochow and in the Province of Shantung?

Mr. FERGUSON. A very large interest; I should say, proportionately to other Provinces in China, a larger interest than the average interest of the United States in the Provinces of China.

Senator JOHNSON of California. Do you know whether or not the request was made by our Government of the Chinese Government to enter the war? I think the President testified to that yesterday, and your statement would be only cumulative.

Mr. FERGUSON. I might say that I was one of the persons who communicated that request on behalf of the minister to the Chinese Government, and was cognizant of the request and saw the request.

Senator JOHNSON of California. Will you state whether or not in pursuance of the request of the United States China did enter the war?

Mr. FERGUSON. It was at the request and on the continual urging of the United States officials in Peking that China entered the war.

Senator JOHNSON of California. Do you know whether or not any representations were made to China by the United States Government that the United States would safeguard Chinese interests at the peace conference?

Mr. FERGUSON. I never heard officially of any such statements, though I am cognizant of the fact that the United States promised China—that is within my own personal knowledge—promised to support China in her claim to being represented at the peace conference. There was doubt as to whether China would be given a seat in the peace conference previous to her entering into the war, and I know that the United States promised to use her best offices to secure a seat for China, even before she had entered the war, in view of this Kiaochow incident.

Senator JOHNSON of California. And when those representations were made, they were based upon the Chinese viewpoint that she wanted the Kiaochow matter determined at the peace conference?

Mr. FERGUSON. At the peace conference and not by virtue of the treaty of 1915.

Senator JOHNSON of California. Do you know whether or not any of the Chinese in Shantung Province went to the war in any capacity?

Mr. FERGUSON. Great Britain and France both approached the Chinese Government early in 1915 for the purpose of recruiting laborers, and although China had not declared war against Germany her position relative to the Allies was well known, and the Allies were given permission openly to send officers into Shantung and other provinces to recruit Chinese laborers. As a result of that stations were established for the shipment of these laborers at Wei-hai-wei and at Tsingtao, and from those two stations about 175,000 Chinese laborers were sent via Canada and the Atlantic Ocean to France and England, where they dug trenches, worked in munition factories, and did many other forms of labor.

I might say that the work that was done by these Chinese laborers is well known to the Young Men's Christian Association organization of America, which organized a band of Chinese secretaties to work among those men, and they have the full details of what they did in France and England.

Senator JOHNSON of California. Did a large part of those laborers come from the Province of Shantung?

Mr. FERGUSON. Practically all those that were recruited by the British Government came from the Shantung Province. About 20,000 of them went from a southern Province via the Suez Canal, but they were not as strong, able-bodied men as those from Shantung Province.

Senator JOHNSON of California. Do you know whether any of them were killed over there?

Mr. FERGUSON. A great many of them were killed; and I might say from my personal knowledge in crossing the Pacific with one boatload of them, consisting of 2,300 men, and talking with them, that they all hoped they were going into the war, and not simply to go there as laborers, and were anxious to be in the war.

Senator JOHNSON of California. Has Japan since 1914 secured any rights in addition to those which Germany had formerly in the Shantung Province?

Mr. FERGUSON. Oh, yes; great rights.

Senator JOHNSON of California. State briefly and generally what they are.

Mr. FERGUSON. The 1915 treaty and notes referred to four geographical groups, of which Shantung was only one; and by that same treaty and by those same notes Japan acquired in Manchuria and eastern Inner Mongolia new rights of residence, rights of purchasing agricultural lands, rights to construct five railroads which I could indicate on the map if it was any benefit——

Senator JOHNSON of California. It will not be necessary to do that.

Mr. FERGUSON. Rights over six mining districts in Manchuria and three mining districts in the Province of Kirin, the right to connect the Kirin-Changchun Railway with the Korean border, the right to extend the railway westward into Chao-yang, the great mart of eastern Inner Mongolia, and greatly strengthening her claim upon Manchuria and eastern Mongolia. In one way those claims were extended most markedly by the extension of the lease of Port Arthur and Kiaochow for 99 years, the extension of the lease of the Southern Manchurian Railway for 99 years, and the extension of the Antung-Mukden Railway to 99 years, so that those leases do not expire until the twenty-first century. She acquired in addition certain rights in the Yangtse Valley, chiefly those in reference to the Han-yeh-ping Iron & Steel Co., which she obtained the right to make a joint concern between Japanese and Chinese. Under this company is owned the Ta-yeh iron mine from which Japan obtains nearly all of her supply of iron ore for the use of her iron factories.

She obtained also the promise from China in reference to the Province of Fu-kien, opposite Formosa, that no docks or harbors should be leased to any power, or that China would not borrow money from any power for developing docks there but herself.

I might state that in reference to the railways which Japan acquired in Manchuria and Eastern Mongolia, they are nearly all strategic military railroads and not needed for present commercial purposes.

Senator MOSES. Mr. Chairman, I move that the committee adjourn until 10 o'clock to-morrow morning.

Senator HITCHCOCK. We would like to ask the witness some more questions.

Senator HARDING. I think the testimony of this witness is interesting to all of the committee, and we would like to hear it.

Senator HITCHCOCK. The examination has been almost wholly on one side of the table.

Senator HARDING. I want to continue it to-morrow morinng. I move that we adjourn.

Whereupon (at 12 o'clock noon) the committee adjourned until Thursday, August 21, 1919, at 10 o'clock a. m.

THURSDAY, AUGUST 21, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to adjournment, at 10 o'clock a. m., in room 426 Senate Office Building, Senator Henry Cabot Lodge presiding.

Present, Senators Lodge (chairman), McCumber, Brandegee, Knox, Harding, Johnson, Moses, and Swanson.

STATEMENT OF MR. JOHN C. FERGUSON—Resumed.

The CHAIRMAN. You may proceed, Mr. Ferguson.

Senator JOHNSON of California. Senator McCumber have you some other questions you wish to ask?

Senator MCCUMBER. Nothing further now, Senator.

Mr. FERGUSON. Mr. Chairman, before anything else is asked me I want to insert what Senator Hitchcock, I think it was, asked me about yesterday. I spoke from memory, and I have since consulted my authorities and found that my memory had not served me right in the matter, and I want to make it clear in my testimony if possible.

The CHAIRMAN. Certainly.

Mr. FERGUSON. This is in regard to the convention between China and Germany respecting the lease of Kiaochow to Germany. I was asked yesterday as to whether or not it was definitely specified in that convention that Germany could not sublet the leased territory to any other power, and I said that according to my memory there was no provision in the treaty, but that I spoke simply from memory in the matter.

I have since looked up my records and find that under article 5 of section 1 of that treaty, which was translated and inserted in the British official treaty compilation, and also in the compilation made for our own Government by Mr. W. W. Rockhill and printed in the United States Government Printing Office in 1905, called "Treaties and Conventions with or Concerning China and Korea, 1894–1904, Washington, 1905 (U. S. Government Printing Office)," article 5 of section 1, in the second paragraph, states——

Senator MCCUMBER. That is of what treaty? Will you state the year?

Mr. FERGUSON. That is of the treaty of March 6, 1898.

Senator MCCUMBER. Between China and Germany?

Mr. FERGUSON. Between China and Germany, respecting the lease of Kiaochow to Germany. It states:

> Germany engages at no time to sublet the territory leased from China to another power.

I might state that in Mr. Rockhill's edition of the treaties he appends a footnote to the paragraph beginning "The Chinese Gov-

ernment sanctions the construction of Germany," headed in the Rockhill translation "sections 2 and 3." This is the footnote:

The following sections of the German-Chinese agreement of March 6, 1898, have never been made public by the German Government, but have been privately communicated to persons interested in the development of the protectorate. See Proceedings before the Budget Commission of the Reichstag April 29, 1898, in Brit. Blue Book, China No. 1 (1899), p. 67. See also Precis of these sections of the agreement, Brit. Blue Book, China No. 1 (1899) p. 152. The text as given here of these sections of the agreement is based on unofficial publications, but is, it is believed, substantially correct.

That is the whole of Mr. Rockhill's footnote.

Senator BRANDEGEE. Excuse me. Was that publication that you speak of as having been printed in the Government Printing Office in 1905, with the title which you gave it, printed as an executive document or as a State Department paper?

Mr. FERGUSON. As a State Department paper, as I remember. I speak of that simply from memory.

Senator BRANDEGEE. It is easy to identify that, I think.

Mr. FERGUSON. Yes.

Senator BRANDEGEE. You read some provision there from Mr. Rockhill's statement, as I recall it, stating that China had objected to the German interpretation of the treaty?

Mr. FERGUSON. No, sir.

Senator BRANDEGEE. Did you not read something about China not agreeing to an interpretation?

Mr. FERGUSON. No, sir.

Senator BRANDEGEE. I have a memory that you said something about the German interpretation of the treaty, did you not?

Mr. FERGUSON. No, sir.

Senator BRANDEGEE. Then I am mistaken about that.

Mr. FERGUSON. I might say that the official text of the treaty, in German, was published by the Imperial Maritime Customs as volume 2 of "Treaties, Conventions, etc., between China and Foreign States."

Senator BRANDEGEE. As of what date?

Mr. FERGUSON. In 1908. I have a photographic copy of the original convention in the German language and in Chinese, which I will hand over to the committee for any future reference, although it may not be, I suppose, convenient to incorporate it in my testimony. I will hand it over so that the committee will always have it.

I would say that in reference to this paragraph 2 of article 5, the provision in the German text of the treaty is—

Deutschland verplichtet sich das von China gepachtete Gebiet niemals an andere Macht weiter zu verpachten.

A literal translation of these words would seem to be—

Germany obligates itself never to extend farther the leasing process, as respects the territory leased from China, to any other State.

Senator MCCUMBER. That is substantially the same that he has given here.

Mr. FERGUSON. The expression "weiter zu verpachten" in the Rockhill translation, which is the English translation, is translated "sublease." Taking the literal meaning of the German words, however, this provision seems clearly to cut off all privilege of transfer of the territory, whether by assignment or sublease.

Senator BRANDEGEE. You will put the German text into the record.

Mr. FERGUSON. I will later put the original German text into the record if I may be allowed to do so. I will state also that the translation of the Chinese text of the treaty explicitly states that Germany promises forever—the two Chinese characters are yung yuan, which mean forever—promises forever never to transfer this lease to any other power. That is the text as it occurs in Chinese.

Senator MCCUMBER. And that agrees with the English translation as set forth in the treaty, namely, that Germany engages at no time to sublet the territory leased from China to any other power.

Mr. FERGUSON. Yes. If it is agreeable to the committee I would like also to put into your record the full text of this convention between China and Germany respecting the lease of Kiaochow to Germany, which was concluded March 6, 1898. It can easily be found in the State Department document, or I can furnish another copy of it to be included in my testimony if you so desire.

Senator BRANDEGEE. I would like to have it in the record.

Mr. FERGUSON. Yes.

(The convention here referred to, and three others referred to in this day's hearing, are here printed in full as follows:)

No. 1. CONVENTION BETWEEN CHINA AND GERMANY RESPECTING THE LEASE OF KIAOCHOW TO GERMANY MARCH 6, 1898.

The incidents connected with the Mission in the Prefecture of Tsao-chow-fu, in Shantung, being now closed, the Imperial Chinese Government consider it advisable to give a special proof of their grateful appreciation of the assistance rendered to them by Germany. The Imperial German and the Imperial Chinese Governments, therefore, inspired by the equal and mutual wish to strengthen the bonds of friendship which unite the two countries, and to develop the commercial relations between the subjects of the two States, have concluded the following separate Convention:

SECTION I.—LEASE OF KIAOCHOW.

ART. 1. His Majesty the Emperor of China, guided by the intention to strengthen the friendly relations between China and Germany, and at the same time to increase the military readiness of the Chinese Empire, engages, while reserving to himself all rights of sovereignty in a zone of 50 kilom. (100 Chinese li) surrounding the Bay of Kiaochow at high water, to permit the free passage of German troops within this zone at any time, and also in taking any measures, or issuing any ordinances therein, to previously consult and secure the agreement of the German Government, and especially to place no obstacle in the way of any regulation of the water-courses which may prove to be necessary. His Majesty the Emperor of China, at the same time, reserves to himself the right to station troops within this zone, in agreement with the German Government, and to take other military measures.

ART. 2. With the intention of meeting the legitimate desire of His Majesty the German Emperor, that Germany like other Powers should hold a place on the Chinese coast for the repair and equipment of her ships, for the storage of materials and provisions for the same, and for other arrangements connected therewith, His Majesty the Emperor of China leases to Germany, provisionally for ninety-nine years, both sides of the entrance to the Bay of Kiaochow. Germany engages to construct, at a suitable moment, on the territory thus leased fortifications for the protection of the buildings to be constructed there and of the entrance to the harbour.

ART. 3. In order to avoid the possibility of conflicts, the Imperial Chinese Government will not exercise rights of administration in the leased territory during the term of the lease, but grants the exercise of the same to Germany, within the following limits:

1. On the northern side of the entrance to the Bay:

The Peninsula bounded to the north-east by a line drawn from the north-eastern corner of Potato Island to Loshan Harbour.

2. On the southern side of the entrance to the Bay:

The Peninsula bounded to the south-west by a line drawn from the south-westernmost point of the Bay lying to the southsouthwest of Chiposan Island in the direction of Tolosan Island.

3. The Island of Chiposan and Potato Island.
4. The whole water area of the Bay up to the highest watermark at present known.
5. All islands lying seaward from Kiaochow Bay, which may be of importance for its defence, such as Tolosan, Chalienchow, etc.

The High Contracting Parties reserve to themselves to delimit more accurately, in accordance with local traditions, the boundaries of the territory leased to Germany and of the 50 kilom. zone round the Bay, by means of Commissioners to be appointed on both sides.

Chinese ships of war and merchant vessels shall enjoy the same privileges in the Bay of Kiaochow as the ships of other nations on friendly terms with Germany; and the entrance, departure and sojourn of Chinese ships in the Bay shall not be subject to any restrictions other than those which the Imperial German Government, in virtue of the rights of administration over the whole of the water area of the Bay transferred to Germany, may at any time find it necessary to impose with regard to the ships of other nations.

ART. 4. Germany engages to construct the necessary navigation signs on the islands and shallows at the entrance of the Bay.

No dues shall be demanded from Chinese ships of war and merchant vessels in the Bay of Kiaochow, except those which may be levied upon other vessels for the purpose of maintaining the necessary harbour arrangements and quays.

ART. 5. Should Germany at some future time express the wish to return Kiaochow Bay to China before the expiration of the lease, China engages to refund to Germany the expenditure she has incurred at Kiaochow and convey to Germany a more suitable place.

Germany engages at no time to sublet the territory leased from China to another Power.

The Chinese population dwelling in the leased territory shall at all times enjoy the protection of the German Government provided that they behave in conformity with law and order; unless their land is required for other purposes, they may remain there.

If land belonging to Chinese owners is required for any other purpose, the owner will receive compensation.

As regards the reestablishment of Chinese customs stations which formerly existed outside the leased territory but within the 50 kilom. zone, the Imperial German Government intends to come to an agreement with the Chinese Government for the definite regulations of the customs frontier, and the mode of collecting customs duties in a manner which will safeguard all the interests of China, and propose to enter into further negotiations on the subject.

SECTION II.—RAILWAYS AND MINES.

ART. 1. The Chinese Government sanctions the construction by Germany of two lines of railway in Shantung. The first will run from Kiaochow to Chinan and the Boundary of Shantung Province *via* Weihsien, Tsingchow, Poshan, Tzechwan and Tsowping. The second line will connect Kiaochow with I-chow, whence an extension will be constructed to Chinan through Laiwu-Hsien. The construction of the line from Chinan to the boundary of Shantung Province shall not be begun till after the completion of the construction of the line to Chinan, so that a further arrangement may be made with a view to effecting a connection with China's own railway system. What places the line from Chinan to the provincial boundary shall take in *en route* shall be specified in the regulations to be made separately.

ART. 2. In order to carry out the above-mentioned railway work a Chino-German Railway Company shall be formed with branches in one or more places, and in this Company both German and Chinese merchants shall be at liberty to raise the capital and appoint directors for the management of the undertaking.

ART. 3. All arrangements for the above purposes shall be determined in an additional agreement to be concluded by the High Contracting Parties as soon as possible. China and Germany will settle this matter by themselves, but the Chinese Government will accord favorable treatment to the said Chino-German Railway Company in constructing and operating the above-mentioned lines and extend to them other privileges enjoyed by Chino-Foreign Companies established in other parts of China.

The above article is conceived only in the interest of commerce: it has no other design. Positively no land or territory in the Province of Shantung may be annexed in the construction of the above-mentioned railways.

ART. 4. In the vicinity of the railways to be built, within 30 li of them, as, for instance, in Weihsien and Poshan Hsien on the Northern line from Kiaochow to Chinan and as in Ichow Fu and Laiwu Hsien on the Southern line from Kiaochow *via*

Ichow to Chinan, German merchants are permitted to excavate coal, etc. The necessary works may be undertaken by Chinese and German merchants combining the capital. The mining regulations shall also be subsequently negotiated with care. The Chinese Government will, according to what has been stipulated for in the provision concerning the construction of railways, also accord favorable treatment to the German merchants and workmen, and extend to them other privileges enjoyed by Chino-Foreign Companies established in other parts of China.

This Article is also conceived only in the interests of commerce, and has no other design.

SECTION III.—AFFAIRS IN THE WHOLE PROVINCE OF SHANTUNG.

If within the Province of Shantung any matters are undertaken for which foreign assistance, whether in personnel or in capital, or in material, is invited, China agrees that the German merchants concerned shall first be asked whether they wish to undertake the works and provide the materials.

In case the German merchants do not wish to undertake the said works and provide the materials, then as a matter of fairness China will be free to make such other arrangement as suits her convenience.

RATIFICATIONS.

The above agreement shall be ratified by the Sovereigns of both Contracting States, and the ratifications exchanged in such manner that, after the receipt in Berlin of the Treaty ratified by China, the copy ratified by Germany shall be handed to the Chinese Minister in Berlin.

The foregoing Treaty has been drawn up in four copies two in German and two in Chinese, and was signed by the Representatives of the two Contracting Parties on the 6th March, 1898, equal to the 14th day of the 2nd month in the 24th year Kuang-Hsu.

[Great seal of the Tsung-li Yamen.]

LI HUNG CHANG.
(In Chinese), *Imperial Chinese Grand Secretary Minister of the Tsung-li Yamen, etc.*

WENG TUNG HO.
(In Chinese) *Grand Secretary, Member of the Council of State, Minister of the Tsung-li Yamen, etc., etc.*

BARON VON HEYKING.
Imperial German Minister.

No. 2. AGREEMENT BETWEEN CHINA AND GERMANY RESPECTING THE KIAOCHOW CHINAN RAILWAY REGULATIONS, MARCH 21, 1900.

His Excellency the Governor of the Province of Shantung Yuan Shih Kai, and His Excellency the Lieutenant General Yin Chang, upon petition of the Governor of Shantung, especially delegated by Imperial decree to these negotiations, on the one side, and the Managing Board of the Shantung Railway Company at Tsingtao, represented by Mr. H. Hildebrand, a Royal Inspector of Prussian Railways, on the other side, have, in order to prevent agitation and disturbances of any kind in Shantung during the period of building the railway and to maintain friendly relations between the population of the province and the Company, agreed upon the following. Railway Regulatuons with regard to the line of railway between the boundaries of the German leased territory and Chinanfu, subject to the approval of the Board of Directors of the Shantung Railway Company in Berlin and reduced to writing in Chinese and German texts of like tenour.

ART. 1. In accordance with Art. 4, section 2, of the aforesaid Kiaochow Convention a German-Chinese Railway Company shall be formed, issuing shares to German and Chinese subjects. This company shall for the present be under German management. It shall half-yearly notify the Chiao Se Chuo at Chinanfu of the number of shares purchased by Chinese. As soon as the amount of such shares has reached Taels 100,000, the Governor of the Province of Shantung shall delegate a Chinese official for cooperation at the seat of the Company.

ART. 2. Should in future branches of the Administration of the Company be established in Shantung, one Chinese official shall be delegated to each one of them.

ART. 3. Officials or respectable citizens shall be consulted upon the location of the railway, in order to take as far as possible into consideration the interests of the population. To avoid difficulties in negotiations, these shall be conducted on the Chinese side by Chinese officials delegated by the Governor of Shantung. The technical

determinations of the location of line shall be left to the Company's engineers. A sketch plan of the line's location, done in a scale of 1: 25000 shall be submitted to the Governor of Shantung for information and only thereafter land may be purchased. The construction of the railway cannot be begun before the land has actually been purchased.

The purchase of land shall be done peacefully and quickly as hitherto, so that the construction of the railway be not delayed by purchasing land or by difficulties arising from disputes with individual owners. To avoid all such difficulties the abovementioned Chinese official shall act as mediator when land is purchased and shall settle all disputes eventually arising. The land shall be purchased in an honest way according to the locally customary ruling price.

The Company shall not be allowed to buy more land than necessary for the railway-enterprise, and future extension thereof.

Meanwhile the following minima may be purchased:

For stopping points a plot of land 630 m long and 70 m wide.

For country stations a plot of land 730 m long and 100 m wide.

For small town stations a plot of land 850 m long and 130 m wide.

For stations of larger towns the plots of land have to be larger, corresponding to actual importance of the place in question. The land necessary for the supply of earth to construct embankments is not included in the foregoing areas. 1 m is equal to 2 feet 9.6 inches, 1 foot is equal to 0.338 m.

ART. 4. Wherever water courses are met, sufficient flow has to be provided for by building bridges and culverts so that agriculture may suffer no damage.

ART. 5. The road is to be located in such a way as not to damage or cut through city walls, fortifications, public edifices and important places.

ART. 6. Houses, farmsteads and villages, temples, graves and above all high class graveyards belonging to the gentry which are fenced in and planted with trees shall be avoided by the railway as far as possible. So far as this is impossible the local authorities shall give notice to the owners two months beforehand and settle with them a compensation of an amount enabling to erect graveyards, etc. of the same condition at another place without sustaining any loss of money.

ART. 7. In surveying the land to be purchased the "kung" shall be used as unit. One kung is equal to 5 official feet, one foot is equal to 0.338 m. One Mu is counted to be 360 kung or equal to 9000 square feet.

As to the land tax to be paid by the Shantung Railway Company the same regulations shall be applied as in force for the most-favoured Railway Company in any other place of China.

ART. 8. Injuries done to crops during preparatory or construction work are to be made good by the Company according to prices to be settled with the local authorities.

ART. 9. The salaries of the assistants placed by the local authorities at the disposition of the Railway at its wish shall be paid by the latter. These salaries shall not be included in the price of land purchased.

The money for the land is to be paid into the hands of the District-Magistrate, who is responsible for the proper payment to the different owners entitled to receive the money.

The District-Magistrate also has to hand over the title deeds to the Railway Company.

ART. 10. The Railway Administration intending to rent houses for offices and residences near the work places shall apply to the District-Magistrate who will make the necessary arrangements with the owners and will on its behalf conclude the contracts.

ART. 11. The purchase of material necessary for the construction of the railway shall be transacted in a fair manner and the usual market-price shall be paid for same. If necessary the intervention of the District-Magistrate shall be applied for.

ART. 12. The exchange of different kinds of money shall always be done at the rate ruling on th day.

ART. 13. The Railway Company is not permitted to construct without special permission of the Governor of Shantung other railroads than those mentioned in the Kiaochow Convention, including the branch line to Poshanhsien.

Branch lines connecting coal and other mines and places where building or ballasting materials are to be taken, connecting with the main line, may be built without special authorization. It is however understood that previous notice of the construction of such lines has to be given to the Governor of Shantung.

ART. 14. Foreigners, travelling or doing business in the interior of the Province of Shantung, in order to enjoy better protection, must be provided with passports duly sealed by the proper Chinese and German authorities. Chinese local authorities cannot assume responsibility if such a passport is not produced.

ART. 15. German and Chinese employees of the Railway Company are to be provided with certificates attested by the seals of the Railway Administration and of the local Authorities, in order, when necessary, to prove their official capacity.

The engineers, when surveying, shall be accompanied by an official, delegated by the District-Magistrate. This official shall, if necessary by police-force, render assistance in protecting the property of the Railway Company and the survey poles.

Persons fraudulently pretending to be employees of the Railway Company shall be arrested and punished by the Local Authorities.

ART. 16. If troops are needed, outside of the 100 li (50 kilometer) zone, they shall be despatched by the Governor of the Province of Shantung. No foreign troops may be employed for this purpose.

The Governor of the Province of Shantung binds himself to take effective measures during the period of surveying as well as when the railway is under construction or opened for traffic to prevent any damage being done to it by the mob or by rebels.

ART. 17. This railway, having for sole purpose the development of commerce, shall not, outside of the 100 li zone, be permitted to transport foreign troops and war materials employed by them. In case there should be war between China and a foreign power and the railway should at the time still be managed by the said Company, then the Company must continue to observe the provision afore-mentioned. In case certain sections are occupied by the enemy and the Company should lose its power of management, then the provincial authorities will not be responsible for the protection (of the railway).

ART. 18. Freightage for foodstuffs and clothing to be distributed amongst the distressed during famines and floods, shall be reduced according to the rules adopted by the railways of Germany and when troops are despatched to suppress rebellions the same is to be applied to the fares for soldiers and to the freightage for their war materials.

ART. 19. At railway stations, where custom-houses are established, the Railway Administration shall make such arrangements as to assist the Imperial Chinese Customs in collecting the legal dues.

The expenses for the necessary buildings, to be erected upon application of the Customs Administration are to be refunded by the latter to the Railway Administration according to agreements always to be made beforehand.

ART. 20. The natives of towns and villages near the railway shall be as far as possible engaged as workmen and as contractors for the supply of materials.

ART. 21. Chinese subjects employed outside the leased territory by the Railway Company in case of contravention of Chinese law are subject to the jurisdiction of the competent District-Magistrate.

The competent District-Magistrate having officially notified the necessity of legal steps against such employees, the Railway Company shall not do anything by which he may evade justice.

Complaints against foreigners are to be dealt with according to the proper laws. In such cases, the Railway Company on its part shall make an investigation and take disciplinary proceedings against the offender.

ART. 22. The natives of districts, where the railway passes through, shall as far as possible be employed at the work and shall be paid for as customary there.

If fights should occur between railway-men and natives the local official will have the right to arrest and punish the guilty.

The workmen of the railway are absolutely prohibited unwarrantably to enter houses of natives. In case of contravention they will be severely punished.

ART. 23. The construction of the railway being completed, foremen and workmen necessary for maintenance and safekeeping of the line are as far as practicable to be engaged from amongst the inhabitants of villages and towns near the line in conformity with suggestions made by the elders of these places. These elders will be responsible for the good behaviour of these engaged and will furnish them with certificates issued by the District-Magistrate.

ART. 24. The railway being open to public traffic, its administration assumes the responsibility for any loss of life or goods caused by accidents and is liable to pay compensation to wounded or killed persons according to the local custom, and to cover any loss of goods according to detailed regulations to be drawn up and published by the Company.

Likewise the Railway will be held responsible for damage to persons and property by construction trains through its neglect.

ART. 25. The safety on the line being endangered by floods, slips of embankments or breakages of bridges, etc., public traffic shall not be reopened before all these difficulties have been removed.

ART. 26. Should the Railway Company apply for soldiers to protect the preparatory work, the construction or the traffic of the railway, the Governor of the Province of

Shantung shall at once consider the circumstances and comply with such application. The amount to be contributed by the Company for the troops dispatched shall be the subject of a further understanding.

ART. 27. In the German leased territory the rights of sovereignty are safeguarded by the Governor of Tsingtao. In the districts of the remaining part of the Province of Shantung through which the railway is running, the rights of sovereignty are safeguarded by the Governor of the Province of Shantung.

ART. 28. It shall be the subject of further agreements when and under what conditions the Chinese Government may in future take over the railway.

The foregoing regulations after being approved shall be notified to the Authorities of the Shantung Province and to the officials of the railway. Thereupon they shall be duly observed.

Should it in future be deemed necessary to have alterations made of some of the above regulations or to have drawn up supplementary rules, this can only be done by mutual agreement between the then Governor of the Province of Shantung and the Shantung Railway Company.

This agreement is executed in two exemplars each of which contains a Chinese as well as a German version of like tenour. Each of the contracting parties has received one exemplar.

THE GOVERNOR OF THE PROVINCE OF SHANTUNG,
Chinanfu, the 21st of March 1900.

Seal and signature of GOVERNOR YUAN SHIH KAI,
H. I. M's Special Delegate, Lieutenant General.

Signed: YIN CHANG.

Signed: H. HILDEBRAND,
Die Betriebsdirection der Schantung-Eisenbahn-Gesellschaft.

NO. 3. CONVENTION BETWEEN CHINA AND GERMANY RESPECTING THE WITHDRAWAL OF GERMAN TROOPS FROM KIAOCHOW AND KAOMI, NOVEMBER 28TH, 1905.

[Translation.]

The Emperor of China has appointed Yang Shih-hsiang, Civil and Military Governor of Shantung, and the German Emperor, Van Semmern, Civil and Military Governor of Kiaochow, who after communicating full powers and finding them in due form have agreed upon the following articles:

Whereas the German Emperor has, for the purpose of promoting friendly relations, agreed to withdraw the troops stationed at Kiaochow and Kaomi, the following articles are hereby concluded.

ART. 1. The German troops at Kiaochow shall withdraw immediately after this Convention has been signed.

ART. 2. One-fourth of the German troops stationed at Kaomi shall withdraw immediately after the signing of this Convention, and another fourth, within two months therefrom. The remaining troops shall withdraw within the next two months during which period barracks and stables shall be so speedily built in Tsingtao that the said troops may withdraw altogether within this said time limit. But in case the said works can not be finished within the two months, a complete withdrawal shall nevertheless be effected—there shall be no further extension of time.

ART. 3. From the date of the signing of this Convention, no matter whether the German troops at Kiaochow and Kaomi have completely withdrawn or not, the railways within the surrounding zone shall completely be under the supervision and protection of the Chinese local authorities and police officers. The police officers shall despatch so many policemen as they deem fit but not more than two hundred and forty, to be evenly stationed at various sections; all matters relating thereto shall be conducted according to the police regulations prevailing beyond the surrounding zone. At some place near the city of Kaomi there shall be established a police office with a police force of not more than one hundred men who shall, by turn, attend to their duty in the protection of the railway and in the suppression of disturbances which may arise. But if China should station troops in the said place, all matters relating thereto shall be governed by the Kiaochow Lease Convention.

ART. 4. All the works which Germany has constructed in Kiaochow and Kaomi such as barracks, stables, drill grounds, roads, waterworks, and the like, together with the foundations thereof, houses and the fixtures attached thereto cost, calculated at their original prices, $496,388.48. From this amount are to be subtracted $5,000.00 as rent paid for the German Government by the Chinese Government,

$21,388.48 expended for annual repairs and considered as representing the annual diminution of the value of the properties, and $70,000.00 as extra reduction; the net price will then be $400,000.00 at which the said properties will be purchased by and reverted to China under a separate agreement. The price of the buildings shall be paid off in four installments within two years from the day when the barracks at Kiaochow and Kaomi are handed over. After their purchase or reversion, all the buildings shall be reserved for educational and other public uses.

ART. 5. In case Germany should, in accordance with the Treaties, require passage for her troops through Kiaochow and Kaomi, and stay there for a few days, a few weeks' notice will be necessary, in order that a vacant place may be assigned for their temporary stay, free of charge.

Of this Convention there shall be made four copies in Chinese and four in German, identical in sense; and after they have been signed, two copies each of the Chinese and German texts shall be filed at the office of the Governor of Shantung, and the other two copies each of the said two languages, at the office of the Civil and Military Governor of Kiaochow, for reference, transmission and observance.

The second Day, eleventh Moon of the Reign of Kwanghsu, corresponding to the 28th of November, 1905.

Signed YANG SHIH-HSIANG.
VAN SEMMERN.

NO. 4. AGREEMENT BETWEEN THE PROVINCIAL AUTHORITIES OF SHANTUNG AND THE CHINO-GERMAN MINING COMPANY FOR DELIMITING MINING AREAS IN THE PROVINCE OF SHANTUNG, JULY 24, 1911.

For the purpose of defining the mining rights of the Chino-German Company along the railways in Shantung Province and concluding a working arrangement the Provincial Authorities of Shantung and the Mining Company have mutually agreed upon the following Articles:

ART. I. 1. The Shantung Mining Company reserves for its exclusive exploitation the Fangtze and Tzechwan mining areas and the mining district from Chinlingchen along the Kiaochow-Chinan Railway in a northerly direction for a distance of 30 li to Changtien.

2. The Company is to prepare maps showing the boundaries of the mining areas it designates for exclusive development. These maps are to form an important part of this Agreement. All mining properties within the specified areas are to be exclusively exploited by the Company and no Chinese undertakings are permitted therein.

3. With the exception of the delimited areas set aside herein for exclusive development by the Mining Company all mining rights hitherto granted by China to the Company within 30 li (15 kilometers) on both sides of Kiaochow-Chinan Railroad now in operation, the Tientsin-Pukow Railroad now under construction, and the Kiaochow Ichow railroad recently surveyed are hereby canceled.

4. Tzechwan Hsien and Poshan Hsien being within the 30-li zone of mining rights, the Company originally intended to exploit it by itself. Now as an act of special friendship, the Company hereby relinquishes its claim to Poshan mines. The Tzechwan mining area beginning on the south at Ta Kwei Shan passing Lungkow Chen in a north-westerly direction and reaching the eastern boundary of Tzechwan, is hereby likewise relinquished to the Chinese for their free exploitation. The remaining areas in this region shall, in accordance with Article I, belong to the mining areas of the Company.

5. The 30-li zone of the Fangtze mining area in Weihsien touches the boundaries of Changlo and Ankiu Hsiens and includes parts thereof. The Company surrenders voluntarily, as a further evidence of goodwill, its claim to the north western district of Ankiu Hsien. It retains, however, its title to Chinshanwa mining area in Changlo Hsien to the extent of 10-li from Fangtze mine in a straight line.

6. For the purpose of delimiting mining areas the Provincial Authorities of Shantung and the Mining Company have jointly drawn up following maps:

1. Tzechwan mining area and the mining area from Chinlingchen to Changtien.
2. The southern section of the Tzechwan mining area.
3. Mining areas in Weihsien and Changlo Hsien.
4. General map showing all mining areas delimited by this Agreement.

ART. 2. 1. Within the mining areas relinquished by the Mining Company in the three Hsiens of Changkiu, Tzechwan and Poshan along the Kiaochow-Chinan Railway Chinese are not permitted to undertake the development of the biggest mine therein before the year 1920, but they shall be at liberty to do so after that year.

2. In the mining areas reserved by the Company all Chinese mining shafts that are now in a working condition shall be stopped within one month from the date of a formal

exchange of the texts of this Agreement duly approved by the Chinese and German Governments.

3. The Chinese Government is still to accord protection to the works of the Company in accordance with the provisions of the Mining Agreement concluded in the 26th year of Kwang Hsu, corresponding to the year 1900 A. D.

4. Should the Chinese Government and merchants be short of capital for the exploitation of the mines in the districts relinquished to China by this Agreement, they shall approach German capitalists for loans. If foreign materials and machinery are needed they shall purchase them from Germany. If foreign engineers are to be employed they engage German engineers.

ART. 3. To meet the expenditures hitherto incurred by the Company for prospecting mines, fixing boundaries and purchasing lands, the Chinese Government agrees to pay to the Company $210,000 Mex., the said sum being payable within one year from the date of this Agreement in two installments. After the Signing of this Agreement the Company shall immediately turn over to the Chinese Government all maps and papers relating to the prospecting of these mines and all lands purchased by the Company.

ART. 4. Chinlingchen iron mine is to be exploited according to the Mining Regulations of the 26th year of Kwanghsu (1900). If China desires to establish iron smelting works near the mine a joint stock company may be formed, with a capital of something like 500,000 taels. Regulations therefor are to be drawn up separately at the proper time.

This Agreement is executed in quadruplicate copies in the Chinese and German languages, found identical in sense, together with four sets of maps of the mines, to be held by the contracting parties.

Third year of Hsun Tung, 6th month, 29th day, corresponding to the 24th day of July 1911.

Delimitation Commissioners of the Imperial Chinese Government, namely.

Signed: SU, *Commissioner for the Promotion of Industrial Affairs at Muken.*
YU, *Expectant Taotai of Shantung, Managing Director of the China-German Mining Company, German Consul General at Chinanfu, Shantung.*

Senator BRANDEGEE. Being included in the record, this document will be available to Senators when the debate comes on.

Senator MCCUMBER. Let us see what that covers, because there seem to have been so many treaties between China and Germany here. This refers to the treaty of what date?

Mr. FERGUSON. March 6, 1898, sir.

Senator BRANDEGEE. That is the treaty by which Germany first got Kiaochow.

Mr. FERGUSON. By which Germany first got Kiaochow.

Senator MCCUMBER. That does not then include the agreement between China and Germany respecting the Kiaochow-China Railway regulations of March 21, 1900?

Mr. FERGUSON. No, sir. I have that also and can give that to the committee if it so desires.

(The agreement last referred to will be found heretofore printed in this day's hearing.)

I want to call the attention of the committee to one other matter in that agreement.

Senator MCCUMBER. I only wanted to show just the limits of the treaty.

Mr. FERGUSON. That is the limit of the treaty. That was later, March 21, 1900. Then there was the further convention of November 28, 1905, respecting the withdrawal of German troops from Kiaochow and Kaomi.

Then there was another agreement of July 24, 1911, between the provincial authorities of Shantung, and the Chino-German mining agreement——

Senator KNOX. Do these treaties appear in Rockhill's Chinese treaties?

Mr. FERGUSON. These later ones do not, as they were after Mr. Rockhill's edition, which was in 1908. The Chino-German Mining Co. agreement for delimiting mining areas in the Province of Shantung was July 24, 1911. If the committee so desires I can have all these included as an appendix to my testimony.

Senator MCCUMBER. Do you think these latter ones in any way explain the others and are necessary? They are quite lengthy, and I can not see the necessity, unless you have read them over and think they really have a bearing upon the construction of the first treaty of March 6.

Mr. FERGUSON. They have none. They only show the extent to which German interests were limited in the Province of Shantung. That is the only point, Senator.

Senator MCCUMBER. I understand.

Senator KNOX. That is an important point, I think.

Senator MCCUMBER. I have no objection, if you think it is necessary to have them all here. I have read them and have them before me.

Senator KNOX. The point has been made that the Japanese are getting so much more than the Germans had, that it is well to know what the Germans had.

Senator MCCUMBER. What the Germans had is stated in the first treaty, and as I understand the subsequent treaties do not extend any German rights.

Mr. FERGUSON. No. The subsequent treaty, though, specifies them and gives the arrangement under which these rights are to be exercised.

Senator KNOX. They were in the nature of limitations, were they not?

Mr. FERGUSON. Yes.

Senator. BRANDEGEE. Then they should go into the record, I think.

Senator MCCUMBER. I do not object.

(The two last-named documents will be found, with those already mentioned, heretofore printed in this day's hearing.)

Senator BRANDEGEE. What is the book which the Senator has in which he says these treaties appear?

Senator MCCUMBER. What I have is a book headed "The Shantung Question—A statement of China's claim together with important documents submitted to the Peace Conference in Paris." It is published by the Chinese National Welfare Society in America, August 1, 1919. I think all the members of the committee have the same book.

Mr. FERGUSON. I do not know of that and have not seen it, Senator. What I am holding in my hand and quoting from here is the Chinese Government official translation of those agreements.

Senator MCCUMBER. From what I heard you read, they agree entirely with this statement by the Chinese society.

Mr. FERGUSON. May I call attention to article 28 of the railway convention of March 21, 1900, also in amplification of my testimony of yesterday as to the possibility of China recovering from Germany the rights in the railway which she allowed Germany to build? Article 28 states—

It shall be the subject of further agreements when and under what conditions the Chinese Government may in future take over the railway.

That is simply in confirmation of the statement which I made yesterday that in the contract with Germany for the building of the railway was included the usual stipulation that China has made also with other nations, that in due course of time the Chinese Government would be able to buy back from the concessionaire all the concessionaire's rights in the property.

Senator BRANDEGEE. That language as you read it would mean, would it not, sir, that Japan fixed her own terms upon which China would get back these concessions?

Mr. FERGUSON. This is Germany that I am referring to here.

Senator BRANDEGEE. I mean Germany. If they have got to agree, that makes Germany the arbiter, does it not?

Mr. FERGUSON. I might say that this contract came to the office of which I was the adviser at the time, and I was familiar with the idea behind that, which was that when China was prepared to put up the money for it, the question of how much money was necessary to do it would be the subject of further agreement, not the question whether she would be allowed to do it or not. It was a question of how much.

Senator BRANDEGEE. I know, but that leaves Germany in a position to fix the price.

Mr. FERGUSON. Yes.

Senator BRANDEGEE. And China can not have it back unless she agrees to Germany's terms.

Mr. FERGUSON. Unless there is a mutual agreement.

Senator BRANDEGEE. There is no provision for arbitration.

Mr. FERGUSON. No, sir, but that would come up under the arrangement——

Senator KNOX. Do you recall any case where China has ever got anything back, even though she was to get it back at the end of a specified period or to get it back by virtue of an arrangement?

Mr. FERGUSON. Yes, China took back from a Belgian syndicate the control of the Peking-Hankow Railway and refinanced it.

Senator KNOX. Was not that rather an unusual case? Take the case of the Manchurian Railroad. Russia had the Manchurian Railroad for a definite, specific period of time.

Mr. FERGUSON. Yes.

Senator KNOX. But under the treaty of Portsmouth, as I understand it, it went over to Japan. The Russian rights went over to Japan.

Mr. FERGUSON. Yes.

Senator KNOX. Has not Japan served notice on China that notwithstanding the limited period of time which that extended, she did not intend to surrender the railroad?

Mr. FURGESON. That is not quite what occurred, Senator. What occurred was that in this treaty of May 25, 1915, to which we made so frequent reference yesterday, one of the provisions concerning Manchuria and eastern inner Mongolia was that the rights of the Russian concessionaries should be extended for the period of 99 years; so that that railroad does not come back to China until 2003, if I have the date right. I can tell you exactly——

Senator KNOX. When was it to have come back under the original concession?

Mr. FERGUSON. It would have come back in another 8 or 10 years.

Senator KNOX. That is what I thought—a very short time.

Mr. FERGUSON. When I was referring to what Japan had got yesterday, in answer to Senator Johnson's question, apart from the German rights in Shantung, I referred to that question of the extension of the leases of the South Manchurian Railway and of the Antung-Mukden Railway, and also the extension of the lease of Port Arthur and Dalmy. Those were all extended to a period of 99 years instead of the original period which was granted.

Senator KNOX. And all under the treaty of 1915?

Mr. FERGUSON. All under the treaty of 1915.

Senator BRANDEGEE. Do you speak Japanese as well as Chinese?

Mr. FERGUSON. No, sir.

Senator BRANDEGEE. The written characters of the two languages are the same, are they not?

Mr. FERGUSON. Yes.

Senator BRANDEGEE. So that you read Japanese?

Mr. FERGUSON. I can read documents in Japanese.

Senator BRANDEGEE. The other day Mr. Millard testified in substance that when the Lansing-Ishii agreement was made, the Japanese translated it into words in their language which signified, in addition to a "special interest" on account of geographical contiguity, something in the nature of "paramountcy."

Mr. FERGUSON. Yes.

Senator BRANDEGEE. That it was so understood generally by the Chinese people, and by the Chinese to whom the Chinese translation carrying the same idea had been submitted. Is that practically the effect of the translation, in your opinion?

Mr. FERGUSON. I might state that the official language of that treaty, of course—of the Lansing-Ishii agreement—is the English language, and that the official copy of it transmitted to the Chinese Government must necessarily be the English copy; but that concurrently with its transmission to China by both the United States and Japan, a Chinese translation was appended, and the translation given by the American legation in Peking was different from that given by the Japanese legation in Peking.

Senator BRANDEGEE. But what I understood Mr. Millard to say was that the Japanese gave out the Lansing-Ishii agreement to the Russians several days before the date when it was understood that it should be given out, and that they furnished to China a Japanese translation and a Chinese translation for use in China.

Mr. FERGUSON. Yes.

Senator BRANDEGEE. That was the Japanese translation of the English official text into Japanese and Chinese both?

Mr. FERGUSON. Yes.

Senator BRANDEGEE. For the benefit of China?

Mr. FERGUSON. Yes.

Senator BRANDEGEE. Did that Chinese translation which the Japanese made and which was given to China carry the idea of anything more than the special interests of geographical propinquity or contiguity?

Mr. FERGUSON. It did. It gave the idea of special interests.

Senator MCCUMBER. Do you mean by that, "paramount interests?" That is, the real question is whether the translation really meant "paramount interests" or simply "special interests?"

Senator MOSES. Dr. Millard's testimony was that the translation amounts to "paramountcy." I think that was his exact language.

Mr. FERGUSON. I should have said rather that it was more correct to say that it was "special interests" rather than "paramountcy."

Senator MCCUMBER. That is, the Chinese——

Mr. FERGUSON. The Chinese translation of that document as furnished by the Japanese Government to China conveyed the idea of special interests.

Senator MCCUMBER. Rather than paramount interests?

Mr. FERGUSON. Yes.

Senator BRANDEGEE. You have read Mr. Lansing's testimony before this committee?

Mr. FERGUSON. Yes, sir.

Senator BRANDEGEE. You remember he stated that Viscount Ishii wanted him (Lansing) to agree to the insertion in the understanding, in addition to the words "special interests," of the words "and influence."

Mr. FERGUSON. And influence.

Senator BRANDEGEE. Which Lansing would not agree to because he thought the words "and influence" would carry the idea of some political interest.

Mr. FERGUSON. Yes.

Senator BRANDEGEE. But you say the English was the official text of the understanding.

Mr. FERGUSON. The English was the official text; and I might say that for its own guidance the Chinese Government has made its own official translation of the text and that this translation agrees much more nearly with that made by the American legation than that made by the Japanese legation.

Senator BRANDEGEE. Did they dispute the interpretation put upon it by the Japanese foreign office or Government?

Mr. FERGUSON. They changed it.

Senator BRANDEGEE. The Chinese changed it?

Mr. FERGUSON. Yes; the Chinese changed it.

Senator BRANDEGEE. But did they resent or repudiate the understanding that Japan has as to her interest in China?

Mr. FERGUSON. China officially communicated both to the Government of Japan and to this Government that it did not consider itself bound, so far as its relations with either of the two contracting powers were concerned, by any contract which they made between themselves. That was the summary of the position that China took in the matter.

Senator BRANDEGEE. Senator McCumber makes the suggestion that I should have first asked whether you knew what the Japanese interpretation of the agreement was.

Mr. FERGUSON. Yes, sir.

Senator MCCUMBER. And what was it with reference to the special or paramount interest?

Mr. FERGUSON. I should say that the Japanese interpretation of it was that Japan has special influence in the affairs of China. I have not the Lansing-Ishii agreement before me at the moment to quote exactly the wording of it, but that phrase was translated in such a way that it became a recognition on the part of the United States that Japan has special influence in China.

Senator McCUMBER. I understood by the testimony of Mr. Millard—and Senators may correct me if I am in error—that the Japanese agreement as translated by them used the word or words as meaning not that Japan had a special influence, but that Japan had a paramount interest, and what we would like to get from you—and I think that is what the Senator from Connecticut means to get at—is whether your understanding is that the Japanese translation uses a word that is equivalent to the word "paramount"?

Mr. FERGUSON. Might I explain, sir, that I place no importance upon the question one way or another, the English text being the official text as communicated to the Chinese Government; and the Chinese, recognizing the probable effect, that it would minimize the effect of that agreement and that the Japanese Government would make it as great as possible, to protect its own interest, made its own translation, which it considers, as far as it is concerned, its interpretation of the meaning of these notes which were exchanged in the English language.

The CHAIRMAN. Mr. Lansing, when he testified, emphasized the point that he had declined to admit the word "influence." He thought "influence" would convey far more than he intended, and it was kept out. Was there anything in the Chinese translation furnished by the Japanese and published in China which conveyed the idea that the word "influence" was in the treaty?

Mr. FERGUSON. Yes, sir; distinctly.

Senator JOHNSON of California. That is the point of the present inquiry, as I understand it.

Senator BRANDEGEE. Yes.

Senator JOHNSON of California. What claim is made by the Japanese under this particular agreement; not what is the real construction of the agreement, and not what the United States thinks concerning it, but what is the claim of the Japanese under that agreement?

Mr. FERGUSON. That is stated by the chairman, that the idea of "influence" was included in the Japanese translation.

The CHAIRMAN. In the Japanese version published in China?

Mr. FERGUSON. Yes.

Senator BRANDEGEE. Inasmuch as the English is the official text of the understanding, I would like to insert a brief extract from the Lansing-Ishii agreement which appears on page 225 of these hearings, part 7. Secretary Lansing put that in. This reads as follows:

> The Governments of the United States and Japan recognize that territorial propinquity creates special relations between countries, and consequently the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.
>
> The territorial sovereignty of China, nevertheless, remains unimpaired, and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests, they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other powers.
>
> The Government, of the United States and Japan deny that they have any purpose to infringe in any way the independence or territorial integrity of China, and they declare, furthermore, that they always adhere to the principle of the so-called "open door" or equal opportunity for commerce and industry in China.
>
> Moreover, they mutually declare that they are opposed to the acquisition by any government of any special rights or privileges that would affect the independence or

territorial integrity of China, or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

And Japan wrote an identical note agreeing to that.

Mr. FERGUSON. Yes, sir. Might I say to the Senator in reference to that, that the Chinese Government was much embarassed by the conflict of the interpretations which were given to it by the two legations, the American legation and the Japanese legation, the American legation emphasizing that the purport of the Lansing-Ishii agreement was to confirm the principle of the "open door" and equal opportunity, and the Japanese Government emphasizing the fact that the purport of the agreement was to recognize Japan's special interests in China. For that reason the Chinese Government issued the statement which it did.

Senator JOHNSON of California. At the time the Lansing-Ishii agreement was made, China and the United States were on the most friendly terms, were they not?

Mr. FERGUSON. Yes, sir.

Senator JOHNSON of California. And at that time we had already stated to the world our principles in the new world era of self-determination of the rights of weak nations, their protection, and that they should not be permitted to be traded upon by the strong. Do you recall those circumstances, which in substance I have stated, but not verbatim?

Mr. FERGUSON. Yes, sir; those were given out through the American legation in Peking and published widely through the Chinese press.

Senator JOHNSON of California. Now during the time of the negotiations between Secretary of State Lansing and Ishii, was China invited to participate?

Mr. FERGUSON. Not to my knowledge, sir.

Senator JOHNSON of California. In determining the interests of Japan of one sort or another, as the case may be, and of China, was China consulted at all by the United States, its friend?

Mr. FERGUSON. At the time of the Lansing-Ishii agreement, you mean?

Senator JOHNSON of California. Yes, sir.

Mr. FERGUSON. No, sir.

Senator JOHNSON of California. And did China know anything about the disposition of China, so far as she was disposed of in the Lansing-Ishii agreement, until after it had been consummated, signed, and executed?

Mr. FERGUSON. Absolutely not.

Senator JOHNSON of California. You recall, of course, the 21 demands that were made by Japan upon China?

Mr. FERGUSON. Yes, sir.

Senator JOHNSON of California. Do you remember that at the time of the first suggestion of those demands, Japan enjoined upon China silence, and asked or demanded that China should not make known the demands?

Mr. FERGUSON. That was an explicit demand by the Japanese minister who presented them to the President of China.

Senator JOHNSON of California. Do you recall subsequently, when they had been published or had become known to other powers, a

specific public denial made by Japan that any such demands had been made?

Mr. FERGUSON. Yes, sir.

Senator JOHNSON of California. Was there such denial?

Mr. FERGUSON. There was.

Senator JOHNSON of California. Do you recall that subsequently to that time, when the matter had become sufficiently public so that the other nations were inquiring, Japan stated to the other nations the demands that had been made?

Mr. FERGUSON. It gave a version.

Senator JOHNSON of California. That is what I mean.

Mr. FERGUSON. Those were communicated to several powers.

Senator JOHNSON of California. Will you state whether or not that version was an accurate one or an entirely distorted version of the 21 points or demands?

Mr. FERGUSON. There were three versions of the 21 demands. There was the original version as handed to the President of China, January 18, 1915, by the Japanese minister; there is an incorrect version as communicated by the Japanese Government to the other powers in response to their inquiries; and there is the third version, which is Japan's revised demands as presented to China, April 26, 1915.

Senator JOHNSON of California. This last revised version omitted some of the original demands, did it not?

Mr. FERGUSON. It omitted Group 5, but provided that several of the items under group 5 should be arranged by the exchange of notes between China and Japan. The most notable omission in the third version of these demands was in reference to nothing being given to any third power. I should say the most notable omission or change in the second and third versions from the first version was the omission of what was recognized everywhere to be a very objectionable phrase, and that is reference to any third power.

Senator JOHNSON of California. Let me chronologically state the situation, and then will you please say whether or not I state it accurately. Japan presented, in January, 21 demands to China.

Mr. FERGUSON. Under five groups.

Senator JOHNSON of California. Under five groups. At the time of the presentation of those demands Japan commanded China to keep still about it and not to communicate them to the world. Thereafter they were either communicated by China or learned by other powers, who requested of Japan a statement concerning the demand, whereupon Japan, to the powers thus asking, communicated a statement of the demands at variance with the fact and not the demands that she had presented to China. Thereafter protests were made and group 5 of the demands was withdrawn by Japan. Thereafter an ultimatum was issued by Japan to China concerning the other demands, backed up by preparation of its military and its naval forces, and then China yielded to the demands, with the elimination of group 5, because of the military and naval preparations which were about to carry into effect Japan's intentions. Have I stated it correctly?

Mr. FERGUSON. I should say yes, sir, with the exception of this fact, that from the presentation of the demands—the first instance until the final agreement which led up to the ultimatum—to the final

conference, rather—the demands as discussed between China and Japan were the original 21 demands as presented in January 1915. That was considered always as the basis of the discussion, and the question was, on the side of China, to whittle those down so as to give away as little as possible, and that resulted in the third version which I quoted, the version of April 26, which was Japan's final statement of as far as she would go in yielding what she had originally demanded.

Senator JOHNSON of California. Prior to that time had not the United States protested to Japan concerning certain of the demands?

Mr. FERGUSON. I understand so, though that of course is not naturally under my personal knowledge, sir, except as I know what has been published in the matter. I have no means from my official position of knowing what took place between the United States Government and Japan.

Senator JOHNSON of California. But during this period the United States was in that continued intimate friendliness with China that has existed for a long period of time?

Mr. FERGUSON. Yes, sir; and through the American legation at Peking was constantly and consistently urging China not to yield to these demands. I think it is no breach of confidence if I state that. I would ask that this be not inserted if in the opinion of the chairman it is a breach of confidence. But that is within my knowledge, that throughout all that period the United States minister in Peking was continually urging the Chinese Government not to accede to these demands.

Senator BRANDEGEE. Who was the American minister at that time?

Mr. FERGUSON. The same who is representing the Government now, Dr. Reinsch.

Senator KNOX. Was he acting under instructions from this Government or on his own account?

Mr. FERGUSON. I have no means of knowing that. That was a matter between him and the Government.

Senator KNOX. He personally is a warm friend to China?

Mr. FERGUSON. He is a very warm friend and consults unofficially and officially constantly with the foreign office, the president, and the premier.

Senator JOHNSON of California. At that time, the relationship between China and the United States being as you indicate, they sat down with Ishii, and in a measure, at least, disposed of China's fate, without ever consulting China or advising her of the fact that we were about to do it, or in any way letting her know that her particular fate was being dealt with at all?

Mr. FERGUSON. Yes, sir.

Senator JOHNSON of California. That is all.

Mr. FERGUSON. Let me state in that connection I have a great personal fear that the arrangement under the covenant of the league of nations concerning regional understandings would include the Lansing-Ishii agreement, and would be an indirect way of confirming by the Senate that agreement as well as the Root-Takahira agreement, and what other agreements I do not know, but I suppose that the Lansing-Ishii agreement would come under the head of regional understandings.

Senator BRANDEGEE. You spoke yesterday, I think of China having signed the treaty under protest?

Mr. FERGUSON. Yes, sir.

Senator BRANDEGEE. What was the character of her protest and when was it made?

Mr. FERGUSON. The protest was made at the conference when the ultimatum was given, and after the whole thing was practically decided on the part of Japan, and no further yielding after April 26. There was parleying for several days, and naval preparations and military preparations by Japan, ending with the presentation of the ultimatum of May 7. During all that time there were parleyings, but there was no change in what was decided upon at that time, and during the progress of the negotiations previous to April 26, on two distinct occasions the Japanese threatened that if their requests were not agreed to, the promise to restore Kiaochow would be withdrawn.

Senator BRANDEGEE. That was a threat to break the treaty, was it not?

Mr. FERGUSON. Yes, sir.

Senator BRANDEGEE. Of course none of these protests on the part of China which you say were made at the conference prior to the actual signature of the treaty were in writing, were they?

Mr. FERGUSON. No, sir; but they were all later put in writing and there was issued an "Official statement by the Chinese Government respecting the Chino-Japanese negotiations now brought to a conclusion by China's compliance with the terms of Japan's ultimatum delivered on May 7, 1915."

That was communicated duly to all the various legations in Peking.

Senator BRANDEGEE. In what publication does that appear? Have you it in the pamphlet before you?

Mr. FERGUSON. I have it.

Senator BRANDEGEE. What is the title?

Mr. FERGUSON. It is appendices.

Senator BRANDEGEE. It is appendices of what?

Mr. FERGUSON. Appendices of Mr. Millard's book on the far eastern question. I have also an official copy in my notes.

Senator BRANDEGEE. I wish you would put that written protest or statment that China issued in relation to this treaty into the record, if you please. How long is it—not the whole appendix, but the protest?

Mr. FERGUSON. The whole statement covers 15 pages.

Senator BRANDEGEE. That is China's statement of the whole case?

Mr. FERGUSON. That is China's statement of the whole case.

Senator BRANDEGEE. I would like to have that put into the record, if there is no objection.

(The statement referred to is here printed in full as follows:)

OFFICIAL STATEMENT BY THE CHINESE GOVERNMENT RESPECTING THE SINO-JAPANESE NEGOTIATIONS NOW BROUGHT TO A CONCLUSION BY CHINA'S COMPLIANCE WITH THE TERMS OF JAPAN'S ULTIMATUM DELIVERED ON MAY 7, 1915.

At 3 o'clock on the afternoon of May 7, 1915, his excellency the Japanese minister in Peking delivered to the Chinese Government in person an ultimatum from the Imperial Japanese Government, with an accompanying note of seven articles. The concluding sentences of the ultimatum read thus:

"The Imperial Government hereby again offer their advice and hope that the Chinese Government, upon this advice, will give a satisfactory reply by 6 o'clock p. m. on the 9th day of May. It is hereby declared that if no satisfactory reply is received before or at the specified time the Imperial Government will take such steps as they may deem necessary."

The Chinese Government, having received and accepted the ultimatum, feel constrained to make a frank and plain statement of the facts connected with the negotiations which were abruptly terminated by this drastic action on the part of Japan.

The Chinese Government have constantly aimed, as they still aim, at consolidating the friendship existing between China and Japan, and, in this period of travail in other parts of the world, have been particularly solicitous of preserving peace in the Far East. Unexpectedly on January 18, 1915, his excellency the Japanese minister in Peking, in pursuance of instructions from his Government, adopted the unusual procedure of presenting to his excellency the President of the Republic of China a list (hereto appended) of 21 momentous demands, arranged in five groups. The first four groups were each introduced by a preamble, but there was no preamble or explanation to the fifth group. In respect of the character of the demands in this group, however, no difference was indicated in the document between them and those embodied in the preceding groups.

Although there was no cause for such a démarche, the Chinese Government, in deference to the wishes of the Imperial Japanese Government, at once agreed to open negotiations on those articles which it was possible for China to consider, notwithstanding that it was palpable that the whole of the demands were intended to extend the rights and interests of Japan without securing a quid pro quo of any kind for China.

China approached the pending conferences in a spirit of utmost friendliness and with a determination to deal with all questions frankly and sincerely. Before negotiations were actually commenced, the Japanese minister raised many questions with regard to the number of delegates proposed to represent China, the number of conferences to be held in each week, and the method of discussion. The Chinese Government, though their views differed from those of the Japanese minister, yielded in all these respects to his contentions in the hope of avoiding any delay in the negotiations. The objections of the Japanese minister to the customary recording and signing of the minutes of each conference, which the Chinese Government suggested as a necessary and advisable precaution, as well as one calculated to facilitate future reference, were also accepted. Nor did the Chinese Government retaliate in any way when in the course of the negotiations the Japanese Minister twice suspended the conferences, obviously with the object of compelling compliance with his views on certain points at the time under discussion. ' Even when delay was threatened owing to the unfortunate injury sustained by the Japanese Minister as a result of a fall from his horse, the Chinese delegates, in order to avert interruption, proposed that the conferences should be continued at the Japanese Legation, which proposal was accepted. Later when, on March 22, the Japanese Government dispatched large bodies of troops to South Manchuria and Shantung for the ostensible purpose of relieving the garrison—whose term of service had not then expired—the Japanese Minister stated at the conference, in reply to a direct question as to when the retiring troops would be withdrawn, that this would not be done until negotiations could be brought to a satisfactory conclusion. Although this minatory step caused much excitement, indignation, and alarm on the part of the Chinese people, and made it difficult for the Chinese Government to continue the conferences, they successfully exerted efforts to avert a rupture and thus enabled the negotiations smoothly to proceed. All this demonstrates that the Chinese Government were dominated by a sincere desire to expedite the progress of the conferences; and that the Japanese Government recognized this important fact was made clear on March 11 when the Japanese Minister conveyed to the Chinese Government an expression of his Government's appreciation of China's frankness and sincerity in the conduct of the negotiations.

One of the supplementary proposals was in these terms:

From February 2, when the negotiations were commenced, to April 17, 24 conferences were held in all. Throughout this whole period the Chinese Government steadfastly strove to arrive at an amicable settlement and made every concession possible.

Of the 21 demands originally submitted by Japan, China agreed to 15, some in principle and some textually, 6 being initialed by both parties.

IN THE MATTER OF THE DEMANDS TO WHICH CHINA AGREED.

At the first conference, held on February 2, China agreed in principle to the first article of the Shantung group of demands which provides that China should give her assent to the transfer of Germany's rights in Shantung to Japan. The Chinese Government maintained at first that the subject of this demand related to the post bellum

settlement, and therefore should be left over for discussion by all the parties interested at the peace conference. Failing to persuade the Japanese minister to accept this view, the Chinese Government agreed to this demand in principle, and made certain supplementary proposals.

"The Japanese Government declares that when the Chinese Government give their assent to the disposition of interests above referred to, Japan will restore the leased territory of Kiaochow to China, and further recognizes the right of the Chinese Government to participate in the negotiations referred to above between Japan and Germany."

The provision for a declaration to restore Kiaochow, was clearly not a demand on Japan but only a reiteration of Japan's voluntary statement in her ultimatum to Germany on August 15, 1914 (a copy of which was officially transmitted to the Chinese Government for perusal on August 15), and repeated in public statements by the Japanese premier. Appreciating the earnest desire of Japan to maintain the peace of the Far East and to cement her friendship with China, as evidenced by this friendly offer, the Chinese Government left the entire question of the conditions of restoration to be determined by Japan, and refrained from making any reference thereto in the supplementary proposal. The suggestion relating to participation in the conference between Japan and Germany was made in view of the fact that Shantung, the object of future negotiation between Japan and Germany, is a Chinese Province, and therefore China is the power most concerned in the future of that territory.

Another supplementary proposal suggesting the assumption by Japan of responsibility for indemnification of the losses arising out of the military operations by Japan in and about the leased territory of Kiaochow was necessitated by the fact that China was neutral vis-à-vis the war between Japan and Germany. Had China not inserted such a provision, her position in relation to this conflict might have been liable to misconstruction—the localities in which the operations took place being a portion of China's territory—and might also have exposed herself to a claim for indemnification of losses for which she was in no way responsible.

In a further supplementary proposal the Chinese Government suggested that, prior to the restoration of the Kiaochow territory to China, the maritime customs, the telegraphs, and post offices should continue to be administered as heretofore; that the military railway, the telegraph lines, etc., which were installed by Japan to facilitate her military operations, should be removed forthwith; that the Japanese troops now stationed outside of the leased territory should be first withdrawn, and those within the territory should be recalled at the time when Kiaochow is returned to China. Shantung being a Chinese Province, it was natural for China to be anxious concerning the restoration of the status quo ante bellum. Although the Chinese Government were confident that the Japanese Government would effect such restoration in pursuance of their official declaration, it was necessary for China, being neutral throughout the war, to place these matters on record.

At the third conference, held on February 22, China agreed to the second demand in the Shantung Group not to cede or lease to any power any territory or island on the sea border of Shantung.

At the fifth conference, held on February 29, China agreed to give Japan the preference, provided Germany abandoned the privilege to supply the capital for the construction of a railway from Chefoo or Lungkow to connect with the Kiaochow-Tsinanfu Railway, in the event of China deciding to build that railway with foreign capital.

At the sixth conference, held on March 3, China, in the interests of foreign trade, agreed to open certain important cities in Shantung as trade marts under regulations approved by the Japanese Government, although this was a demand on the part of Japan for privileges additional to any that hitherto had been enjoyed by Germany and was not an outcome of the hostilities between Japan and Germany, nor, in the opinion of the Chinese Government, was its acceptance essential to the preservation of peace in the Far East.

At the eighth conference, held on March 9, China agreed (1) to the extension of the term of the lease of Dairen and (2) Port Arthur, and (3) of the South Manchuria and (4) Antung-Mukden Railways, all to 99 years.

Owing to the bitter experiences which China sustained in the past in connection with the leased portions of her territory, it has become her settled policy not to grant further leases nor to extend the term of those now in existance. Therefore, it was a significant indication of China's desire to meet Japan's wishes when she agreed to this exceptional departure from her settled policy.

At the same conference the Chinese Government also agreed to refrain from raising objections to the principle of cooperation in the Hanyehping Co., if the latter should arrive at an agreement in this respect with the Japanese capitalists concerned. With reference to this question it was pointed out to the Japanese Minister that, in the

provisional constitution of the Republic of China, Chinese subjects are guaranteed the right of protection of their property and freedom to engage in any lawful occupation. The Government was precluded, therefore, from interfering with the private business of the people, and could not find any other solution than the one thus agreed to.

As regards the single article of the fourth group, and the preamble thereto, the Chinese Government held that they were inconsistent with Chinese sovereignty. However, China, at this conference, expressed her readiness to meet the wishes of Japan so far as it was possible without infringing her sovereignty, and agreed to make a voluntary pronouncement that she would not alienate any portion of her coast line.

In connection with the South Manchuria Railway it is worthy of note that the provision regarding the repurchase period in the agreement (36 years from 1902) was not mentioned in Japan's original proposal. Subsequently the Japanese Government, on the ground that the meaning of this provision was not clear, requested China to agree to its cancellation. To this request the Chinese Government acceded, though well aware that the proposed change could only benefit Japan. China thus relinquished the right to repurchase the railway at the expiration of another 23 years.

In connection with the Antung-Mukden Railway, the article, which was originally initialed at the conference, provided for the reversion of the railway to China at the end of 99 years without payment, but, at the subsequent meeting, the Japanese Minister requested that the reference to the reversion without payment de deleted from the initialed article. In acceding to the Japanese minister's request, China again showed her sincere desire to expedite matters and to meet Japan's wishes even at the sacrifice of a point in her favor, to which Japan had already agreed.

At the eleventh conference, held on March 16, China agreed to give Japan preference in regard to loans for railway construction in South Manchuria.

At the thirteenth conference, held on March 23, China agreed (1) to the amendment of the Kirin-Changchun Railway loan agreement; (2) to give preference to Japan if the revenue of South Manchuria were offered as security for loans; (3) to give preference to Japanese in the event of the employment of advisers for South Manchuria; (4) to grant to Japanese the right of mining in nine specified areas in South Manchuria.

In its original form the demand with reference to mining in South Manchuria tended to create a monopoly for Japanese subjects, and, therefore, was entirely inconsistent with the principle of equal opportunity. The Chinese Government explained that they could not, in view of the treaty rights of other powers, agree to this monopoly, but they readily gave their acceptance when Japan consented to the modification of the demand so as to mitigate its monopolistic character.

In connection with the Kirin-Changchun Railway, the amendment agreed to involves a fundamental revision of the original agreement on the basis of the existing railway loan contracts concluded by China with other foreign capitalists, as well as an engagement on the part of the Chinese Government to extend to this railway any better terms which may be hereafter accorded to other railway concessionaries in China. The capital of this railway was originally 50 per cent Chinese and 50 per cent Japanese. The effect of this undertaking is to transfer the capital originally held by the Chinese, as well as the full control and administration of the railway, to the Japanese.

At the twenty-first conference, held on April 10, China agreed, in regard to the demands concerning Fukien province, to give Japan an assurance in accordance with Japan's wishes at a future time.

As regards demands 2 and 3 in the Manchuria Group, relating to the ownership of land for trade, manufacture, and agricultural enterprises, as well as for the right of settlement in the interior of South Manchuria, the Chinese Government, after discussion at several conferences, agreed to them in principle, but desired to introduce certain amendments concerning the control and protection of the Japanese subjects who might avail themselves of these rights. The course of the negotiations in connection with these amendments will be referred to subsequently.

IN THE MATTER OF THOSE DEMANDS TO WHICH CHINA COULD NOT AGREE.

Of the 21 original demands there were 6, as previously mentioned, to which China could not agree on the ground that they were not proper subjects for international negotiation, conflicting as they did with the sovereign rights of China, the treaty rights of other powers, and the principle of equal opportunity.

Thus, for example, the second article of the Hanyehping question in the original third group in particular seriously affected the principle of equal commercial opportunity.

The proposal that there should be joint administration by China and Japan of the police in China was clearly an interference with the Republic's domestic affairs, and consequently an infringement of her sovereignty. For that reason the Chinese Government could not take the demand into consideration. But when it was explained by

the Japanese minister that this referred only to South Manchuria, and he suggested that his Government would be satisfied if China agreed to engage Japanese as police advisers for that territory, the Chinese Government accepted the suggestion.

The two articles relating to the acquisition of land for schools, hospitals, and temples, as well as to the right of missionary propaganda, would, in the opinion of the Chinese Government, have presented grave obstacles to the consolidation of the friendly feeling subsisting between the two people. The religions of the two countries are identical and, therefore, the need for a missionary propaganda to be carried on in China by Japanese does not exist. The natural rivalry between Chinese and Japanese followers of the same faith would tend to create incessant disputes and friction. Whereas western missionaries live apart from the Chinese communities among which they labor, Japanese monks would live with the Chinese; and the similarity of their physical characteristics, their religious garb, and their habits of life would render it impossible to distinguish them for purposes of affording the protection which the Japanese Government would require should be extended to them under the system of extra-territoriality now obtaining in China. Moreover a general apprehension exists among the Chinese people that these peculiar conditions favoring conspiracies for political purposes might be taken advantage of by some unscrupulous Chinese.

The demand for railway concessions in the Yangtze Valley conflicted with the Shanghai-Hangchow-Ningpo Railway agreement of March 6, 1908, the Nanking-Changsha Railway agreement of March 31, 1914, and the engagement of August 24, 1914, giving preference to British firms for the projected line from Nanchang to Chaochowfu. For this reason the Chinese Government found themselves unable to consider the demand, though the Japanese minister, while informed of China's engagements with Great Britain, repeatedly pressed for its acceptance.

In respect to the demand for the appointment of influential Japanese to be advisers and instructors in political, financial, and military affairs, the policy of the Chinese Government in regard to the appointment of advisers has been similar to that which has presumably guided the Japanese Government in like selection of the best qualified men irrespective of their nationality. As an indication of their desire to avail themselves of the services of eminent Japanese, one of the earliest appointments made to an advisership was that of Dr. Ariga, while later on Dr. Hirai and Mr. Nakayami were appointed to the ministry of communications.

It was considered that the demand that Japanese should be appointed in the three most important administrative departments, as well as the demand for the joint control of China's police, and the demand for an engagement to purchase a fixed amount of arms and ammunition from Japan or to establish joint arsenals in China, so clearly involved the sovereignty of the Republic that the Chinese Government were unable even to consider them.

For these reasons the Chinese Government, at the very outset of the negotiations, declared that they were unable to negotiate on the demands; but, in deference to the wishes of the Japanese Minister, the Chinese delegates consented to give the reasons for declining to enter into a discussion of them.

IN THE MATTER OF THE QUESTIONS OF DISPUTE INVOLVED IN SOME OF THE FOREGOING DEMANDS.

The demand by Japan for the right of her subjects in South Manchuria to lease or own land, and to reside and travel, and to engage in business or manufacture of any kind whatever, was deemed by the Chinese Government to obtain for Japanese subjects in this region a privileged status beyond the terms of the treaties existing between the two nations, and to give them a freedom of action which would be a restriction of China's sovereignty and a serious infringement of her administrative rights. Should Japanese subjects be granted the right of owning land, it would mean that all the landed property in the region might fall into their hands, thereby endangering China's territorial integrity. Moreover, residence in the interior was incompatible with the existence of extra-territoriality, the relinquishment of which is necessary to the actual enjoyment of the privilege of inland residence, as evidenced in the practice of other nations.

Japan's unconditional demand for the privilege of inland residence accompanied with a desire to extend extra-territoriality into the interior of China and to enable Japanese subjects to monopolize all the interests in South Manchuria, was also palpably irreconcilable with the principle of equal opportunity. For this reason the Chinese Government were, in the first instance, unable to accept this demand as a basis of negotiation. Their profound regard for the friendly relations of the two countries, however, persuaded them to exert their utmost efforts, in spite of all the inherent difficulties, to seek a solution of a question which was practically impossible

to solve. Knowing that the proposal made by Japan was incompatible with treaties, they nevertheless sought to meet her wishes within the limits of treaties. Accordingly they submitted a counter-proposal to open more places in South Manchuria to international trade and to establish Sino-Japanese joint reclamation companies.

This suggestion was made in the belief that the places to which Japanese subjects would desire to resort for purposes of trade, could not be other than important localities; if all these localities were opened to commerce, then they could reside, trade, and lease land there for joint reclamation. Thus Japanese subjects might enjoy the essence of the privilege of inland residence and would still be able to reconcile their position with China's treaties and the principle of equal opportunity.

After the Japanese Government declined to accept this suggestion, China withdrew it and replaced it with an amendment to the original articles. It was proposed in this amendment to grant to Japanese subjects the extra-treaty privilege of inland residence with the provisos that Japanese subjects in places outside of trade marts should observe Chinese police regulations and pay taxes in the same manner as Chinese; and that civil and criminal cases involving such Japanese subjects should be adjudicated by Chinese authorities, the Japanese consul attending merely to watch the proceedings. This suggestion was not an innovation; it was based upon the modus operandi now in force as regards the Korean settlers in inland districts in Chientao. But the Japanese Government again declined to accept it.

The Chinese Government thereupon made a third proposal along the line of what constitutes the present practice in Turkey, making a distinction, however, in favor of Japanese subjects, in the exercise of jurisdiction over civil and criminal cases. This was once more objected to by the Japanese Government.

Then the Chinese Government proposed to concede still another step—the fourth endeavor to meet Japan's wishes. They proposed to agree to the full text of articles 2 and 3 relative to the question of inland residence, except that "the right of owning land" was changed into "the right of leasing land" and to the phrase "cultivating land" was added this clause: "the regulations for which shall be determined separately"; and, further, to add a supplementary article which embodied a modus operandi which the Chinese Government had constrained themselves to make, out of a desire to come to a settlement over this question. The view advanced in this supplementary article was based upon the Japanese minister's declaration made on March 6, 1915, that a separate article embodying some compromise might be added to the original articles 2 and 3 for the purpose of avoiding any conflict with China's sovereignty or the system established by treaties. These suggestions made by the Chinese Government were not accepted by Japan.

As regards eastern inner Mongolia, not only have no treaties been entered into with Japan concerning this region, but also the people are so unaccustomed to foreign trade that the Chinese Government invariably feel much anxiety about the safety of foreigners who elect to travel there. The Chinese Government, therefore, considered that it would not be in the interest of foreigners to open the whole territory to them for residence and commerce, and on these grounds based their original refusal to place eastern inner Mongolia on the same footing as South Manchuria. Still, their desire to meet the wishes of the Japanese Government eventually prompted them to offer to open a number of places in the region to foreign trade.

IN THE MATTER OF JAPAN'S REVISED DEMANDS.

The foregoing is an outline of the negotiations up to April 17. It was hoped by the Chinese Government that the Japanese Government, in view of the great concessions made by China at the conferences held up to this time, would see a way of effecting an amicable settlement by modifying their position on certain points. In regard to these it had, by this time, become manifest that China would encounter almost insuperable difficulties in making further concessions.

The Japanese Government, however, suspended the negotiations until April 26 when they surprised the Chinese Government by presenting a new list of 24 demands (which is hereto appended), and requested the Chinese Government to accord their acceptance without delay, adding that this was their final proposal. At the same time the Japanese minister stated that the Japanese Government would restore the leased territory of Kiaochow to China at an opportune time in the future and under proper conditions if the Chinese Government would agree to the new list of 24 demands without modification.

In this new list, although the term "special position" in the preamble of the Manchurian group was changed to "economic relations," and although the character of the articles in the original fifth group was altered from demands to a recital of alleged statements by the Chinese foreign minister, four new demands were introduced con-

cerning eastern inner Mongolia. In deference to the wishes of the Japanese Government, the Chinese Government gave the revised list the most careful consideration; and being sincerely desirous of an early settlement offered new concessions in their reply presented to the Japanese minister on May 1. (Annexed.)

In this reply the Chinese Government reinserted the proposal in reference to the retrocession of Kiaochow, which they advanced at the first conference on February 2, and which was postponed at the request of the Japanese minister. This, therefore, was in no sense a new proposal.

The Chinese Government also proposed to agree to three of the four articles relating to eastern inner Mongolia. There was some difficulty in determining a definition of the boundaries of eastern inner Mongolia—this being a new expression in Chinese geographical terminology—but the Chinese Government, acting upon a statement made at a previous conference by the Japanese minister that the Japanese Government meant the region under Chinese administrative jurisdiction, and taking note, in the list presented by the Japanese minister, of the names of places in eastern inner Mongolia to be opened to trade, inferred that the so-called eastern inner Mongolia is that part of inner Mongolia which is under the jurisdiction of South Manchuria and the Jehol Intendency, and refrained from placing any limitations upon the definition of this term.

The Chinese Government also withdrew their supplementary proposal reserving the right of making regulations for agricultural enterprises to be undertaken by Japanese settlers in South Manchuria.

In respect of the trial of cases involving land disputes between Japanese only, or between Japanese and Chinese, the Chinese Government accorded to the Japanese consul the right of deputing an officer to watch the proceedings.

The Chinese Government also agreed to accept the suggestion of the Japanese Government to modify the term "police law and ordinances" into "police rules and regulations," thereby limiting the extent of control which the Chinese would have over Japanese subjects.

As regards the Hanyehping demand, the Chinese Government accepted the draft made by the Japanese Government, embodying an engagement by the Chinese Government not to convert the company into a State-owned concern, nor to confiscate it, nor to force it to borrow foreign capital other than Japanese.

In respect of the Fukien question the Chinese Government also agreed to give an assurance in the amplified form suggested by the Japanese Government that the Chinese Government had not given their consent to any foreign nations, to construct a dockyard, or a coaling station, or a naval base, or any other military establishment along the coast of Fukien Province; nor did they contemplate borrowing foreign capital for the foregoing purposes.

Having made these concessions which practically brought the views of China into line with those of Japan, and having explained in a note accompanying the reply the difficulty for China to make further concessions, the Chinese Government hoped that the Japanese Government would accept their reply of May 1, and thus bring the negotiations to an amicable conclusion.

The Japanese Government, however, expressed themselves as being dissatisfied with China's reply, and withdrew the conditional offer to restore Kiaochow to China made on April 26. It was further intimated that if the Chinese Government did not give their full compliance with the list of 24 demands, Japan would have recourse to drastic measures.

Upon receiving this intimation the Chinese Government, inspired by the conciliatory spirit which had been predominant from the very beginning of the negotiations and desirous of avoiding any possible rupture in the relations of the two countries, made a supreme effort to meet the situation, and represented to the Japanese Government that they would reconsider their position and make another attempt to find a solution that would be more satisfactory to Japan, in respect to those articles which China had declared could not be taken up for consideration, but to which Japan attached great importance. Even in the evening of May 6, after the Japanese minister had notified the Chinese Government that the ultimatum had arrived in Peking, the Chinese Government in the interests of peace still exerted efforts to save the situation by offering to meet Japan's wishes.

These overtures were again rejected and thus exhausted the means at the disposal of the Chinese Government to prevent an impasse.

It is plain that the Chinese Government proceeded to the fullest extent of possible concession in view of the strong national sentiment manifested by the people throughout the whole period of negotiations. All that the Chinese Government strove to maintain was China's plenary sovereignty, the treaty rights of foreign powers in China, and the principle of equal opportunity.

To the profound regret of the Chinese Government, however, the tremendous sacrifices which they had shown themselves ready to make, proved unavailing, and an ultimatum (the text of which is appended) was duly delivered to them by the Japanese minister at 3 o'clock on the afternoon of May 7.

As to the allegations made in the ultimatum against China, the Chinese Government hope that the foregoing outline of the history of the negotiations constitutes a clear, dispassionate, and complete reply.

In considering the nature of the course they should take with reference to the ultimatum the Chinese Government was influenced by a desire to preserve the Chinese people, as well as the large number of foreign residents in China, from unnecessary suffering, and also to prevent the interests of friendly powers from being imperiled. For these reasons the Chinese Government were constrained to comply in full with the terms of the ultimatum (the reply being hereto appended), but in complying the Chinese disclaim any desire to associate themselves with any revision, which may thus be effected, of the various conventions and agreements concluded between other powers in respect of the maintenance of China's territorial independence and integrity, the preservation of the status quo, and the principle of equal opportunity for the commerce and industry of all nations in China.

Senator BRANDEGEE. What was the date of that statement?

Mr. FERGUSON. It was issued—I can not say, sir, because printing is so slow in Peking. It was somewhere toward the latter part of May.

Senator BRANDEGEE. On what date was the treaty signed?

Mr. FERGUSON. May 25. It was somewhere about that same time.

Senator BRANDEGEE. It must have been issued within a week after the signature of the treaty.

Mr. FERGUSON. I should say somewhere along there. It may have been in the first weeks of June. I do not remember exactly.

Senator MCCUMBER. It was given publicity throughout China?

Mr. FERGUSON. Yes, sir.

Senator JOHNSON of California. Did you hear Senator McCormick's speech yesterday?

Mr. FERGUSON. I did, sir.

Senator JOHNSON of California. In the course of it he quoted from an eminent Japanese statesman's construction of, or the future construction that Japan would put upon, the Lansing-Ishii agreement. Did you follow that particular part?

Mr. FERGUSON. Part of it. I could not hear from where I was sitting in the gallery.

Senator JOHNSON of California. The only reason of my inquiry was that if you were familiar with it I was going to ask you about it, but if you did not hear it I will not refer to it further.

Mr. FERGUSON. If you could state——

Senator JOHNSON of California. I do not want to state it. I might not state it with entire accuracy. The substance of it as I gathered was that some eminent Japanese statesman—here is the record, if I am going to question you about it, it will be far better, I think, to get it accurately. If somebody will proceed with other questions, I will ask that later.

Senator KNOX. I was going to make a suggestion that we might take the time to send out and get some of our Democratic brethern to come in and help expedite this treaty.

Senator SWANSON. I would like to have you give your interpretation of the Lansing-Ishii text, as to its scope and its effect.

Mr. FERGUSON. May I do so first without its going into the record, Senator? I would like to ask as to the expediency of putting it into the record. I should hate to put it in the record.

Senator SWANSON. The reason I desire that is that in the question of Senator Johnson he used the words that the agreement disposed of the "fate" of China, and I would like to have also in the record your interpretation as to the effect of that agreement, the English text, which was the official text.

Mr. FERGUSON. Personally, I regarded the Lansing-Ishii agreement as a most unfortunate document, and out of keeping with our traditional policy.

Senator SWANSON. How about the Root-Takahira agreement?

Mr. FERGUSON. That was perfectly right and perfectly in agreement with all our previous treatment of China.

Senator SWANSON, Was China consulted about that agreement?

Mr. FERGUSON. No, sir.

Senator SWANSON. That agreement was made without any consultation with China?

Mr. FERGUSON. Yes, sir; so far as I know.

Senator BRANDEGEE. Have you finished, Senator?

Senator SWANSON. No. You said it was out of accord. What special rights does that agreement give to Japan?

The CHAIRMAN. You mean the Root-Takahira agreement?

Senator SWANSON. The Lansing-Ishii agreement.

Mr. FERGUSON. Well, the primal difficulty in that is that it deals with China without consulting her, whereas the Root-Takahira agreement was following up by Mr. Hay's original plan of getting everybody to agree to recognize the territorial integrity and the "open door," the equal opportunity of all nations, and whether China was consulted about it, or was not consulted about it, made very little difference. But here it was a question of the attitude of the powers that were in treaty with China toward her.

The Lansing-Ishii agreement brings in something which directly affects China, by saying that territorial propinquity creates special relations between countries. That is a statement which I think is very broad.

Senator SWANSON. Does that give Japan any greater interest in China than China would have in Japan? Their relations are similar to each other, as a general statement of the general proposition.

Mr. FERGUSON. It states they are on the basis of territorial propinquity, and consequently that "the Government of the United States recognizes that Japan has special interests in China."

Senator SWANSON. Well, now, the declaration of that general principle——

Mr. FERGUSON. It is very different from what we have ever stated, and is directly—how it can be possible to maintain on the one hand the "open door," equal opportunity, and on the other hand say that a certain nation on account of territorial propinquity has special interests, is more than I can understand, sir.

Senator SWANSON. Does that general declaration give Japan any greater interest in China than China would have in Japan on account of being so geographically situated toward each other—the general declaration of principle?

Mr. FERGUSON. No, sir; provided they were on an equal basis, which they have not been for several years.

Senator SWANSON. The general principle does not create any more interest in one than in the other.

Mr. FERGUSON. As a statement between Great Britain and France, for instance, it would be a perfectly harmless statement. As a statement between a strong nation and an adjoining weak nation, it can have only one significance as far as my judgment would go, and that is a threatening influence.

Senator MCCUMBER. How would it be between the United States and Mexico?

Mr. FERGUSON. I should say it would have a very threatening influence there.

Senator MCCUMBER. That we have a special interest by reason of our——

Mr. FERGUSON. Of our territorial propinquity.

Senator MCCUMBER. That we have a special interest in Mexico, would you think that would be a harmful declaration or one that would be anything but in accord with the facts?

Mr. FERGUSON. Well——

Senator SWANSON. Do we claim special interest in Mexico on account of its geographical position to us?

Mr. FERGUSON. I do not know what is claimed by the United States Government in that respect.

Senator SWANSON. You know, do you not, that it has been one of our principles under the Monroe doctrine—nearness to us?

Now, let me ask you, further, do you not think the Lansing-Ishii agreement gives to China territorial rights in that regard?

Mr. FERGUSON. No more than she had.

Senator SWANSON. But it is a reiteration of that, made by the United States.

Mr. FERGUSON. They made that reiteration, but in the same note the other, "special interest" comes in the first time.

Senator SWANSON. That is the only addition that was made in this, above what was included in other notes?

Mr. FERGUSON. Yes.

Senator SWANSON. In that Japan also reiterates her adherence to the open door policy?

Mr. FERGUSON. Yes, sir.

Senator SWANSON. As I understand, in the Root-Takahira agreement we agree that if there is any change in the affairs in China, the United States and Japan shall consult before taking any action?

Mr. FERGUSON. Yes.

Senator SWANSON. Did that include also that they should consult China at the same time, or was the consultation limited to those two nations?

Mr. FERGUSON. It was limited to those two nations.

Senator SWANSON. That is, there was an agreement that they should consult each other, without any agreement that China should also be consulted?

Mr. FERGUSON. Yes; but that was to protect her interests.

Senator SWANSON. Not to consult China was to protect her interests?

Mr. FERGUSON. No; but the purpose of that note was the protection of China's interests.

Senator SWANSON. Do you not think that, if Senator Johnson was right about that, China should have been included as a third party to the consultation?

Mr. FERGUSON. It would have been a very courteous thing on the part of both Governments; but as both Governments were simply promulgating a benevolent policy toward China, which did not affect China's interests except favorably, such lack of consultation did not at the time give any offense to China.

I may point out, Senator, in reference to this Root-Takahira agreement that you are questioning me upon, that it is very clear to my mind that the presentation of the 21 demands upon China by Japan, without any consultation with the United States, was in direct violation of the Root-Takahira agreement. That I feel perfectly free to say.

Senator SWANSON. Those 21 demands were in violation of the——

Mr. FERGUSON. They directly affected the interests of China. Japan promised, under the Root-Takahira agreement, to consult with the United States before taking action. I should say that that was in direct contravention.

Senator BRANDEGEE. The Root-Takahira agreement, if I understand your position, was an agreement to treat all nations equally with reference to China, and to give them all the same privileges—to keep the door open—was it not?

Mr. FERGUSON. Yes, sir.

Senator BRANDEGEE. Was there anything in the Root-Takahira agreement that intimated that Japan had any special interests in China?

Mr. FERGUSON. Not a suggestion of it.

Senator BRANDEGEE. And is it your opinion that because this agreement, made subsequently to the——

Mr. FERGUSON (continuing). The Root-Takahira agreement being on our initiative and the Lansing-Ishii agreement being on the Japanese initiative.

Senator BRANDEGEE. The Lansing-Ishii agreement having been preceded, according to the testimony of the Secretary of State which is in the record here, by a demand on the part of Viscount Ishii that we should not only recognize their special interest, but their——

Mr. FERGUSON. Influence.

Senator BRANDEGEE (continuing). Influence, taking all these things into consideration, and that we recognized Japan's special interest, does it not, in your opinion, precipitate a question as to what that special interest is above and apart from all other nations?

Mr. FERGUSON. Certainly, sir.

Senator BRANDEGEE. And it must be construed to mean something different from the interests of other nations in China, must it not?

Mr. FERGUSON. Certainly, and it must be construed in reference to the question which Japan has considered of paramount interest to herself; that is, the Shantung question.

Senator BRANDEGEE. And also, whether it shall be construed so or not, at least it must be considered as to the effect which the Japanese put upon it and the way in which they interpret it, must it not?

Mr. FERGUSON. Yes, sir.

Senator BRANDEGEE. That is all.

Senator MCCUMBER. Now, I would like to ask you, Doctor, just what rights are given to Japan, in the Lansing-Ishii agreement, that are withheld in the Root-Takahira agreement?

Senator BRANDEGEE. That is the question. Nobody knows.

Senator MCCUMBER. I know, but he must have an idea.

Mr. FERGUSON. I can answer that question, I think, Senator McCumber, by stating that the Root-Takahira agreement provides for the open door and equal opportunity for all nations. The Lansing-Ishii agreement states as follows:

The United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

Senator BRANDEGEE. What part would that be, Doctor?

Senator MCCUMBER. But what is there there about the open-door policy?

Mr. FERGUSON. It goes on and states "the open door."

Senator MCCUMBER. It goes on and reiterates what is in the Root-Takahira agreement.

Mr. FERGUSON. But you asked what, in addition to that, there was, and I was just quoting.

Senator MCCUMBER. I know the words. I know that the wording declares "interests" and "special interests;" but what I am trying to get at is what you conceive that "interests" to be, different from what is in the Root-Takahira agreement?

Mr. FERGUSON. The Root-Takahira agreement recognized no special interests of any nation.

Senator MCCUMBER. It recognizes the equal right of every nation?

Mr. FERGUSON. Of all nations.

Senator MCCUMBER. Does this recognize that Japan has any right that is not accorded, in trade or in any other way, to all the nations?

Mr. FERGUSON. To my mind it does, sir. It distinctly recognizes Japan's special interests in Manchuria, which are contiguous, and Korea; and it probably recognizes Japan's interest in the coast opposite Formosa, which is the coast of the Province of Fukien.

Senator MCCUMBER. This country has often declared its special interest, for instance, by reason of our contiguous territory. That declaration that we have a special interest in Mexico by reason of our geographical situation does not carry with it, does it, any right, commercially or in any other respect, with Mexico that is not accorded to all other nations of the world?

Mr. FERGUSON. No; but we have not American soldiers in Mexico guarding American concessions railways. We have no military rights in protecting mines in Mexico. The situation is not on all fours, sir, in my opinion.

Senator KNOX. We have no extraterritoriality there.

Mr. FERGUSON. No extraterritorial privileges and no establishment of special courts.

Senator MCCUMBER. Have we soldiers in any other one of the South American Republics?

Mr. FERGUSON. That is not a matter that is within my knowledge.

Senator MCCUMBER. Have we had any kind of a protectorate over Haiti, where we have our American soldiers?

Mr. FERGUSON. I think the Senator can answer his own question, can he not?

Senator McCUMBER. Yes; I asked it only to connect the matter up with the theory that the fact that we claim a special interest does not carry with it a commercial or other interest antagonistic to other countries; and that we ought to construe the Japanese special interest exactly in the same way as we would construe a declaration of special interest to the United States. That was all.

Senator SWANSON. Doctor, have you any special knowledge that these negotiations were begun at the instance of Japan?

Mr. FERGUSON. You mean the 21-demand negotiations?

Senator SWANSON. No. I mean the negotiations in connection with the Lansing-Ishii agreement.

Mr. FERGUSON. Oh.

Senator SWANSON. Mr. Lansing, on page 223 of part 7 of these hearings, when he was testifying before the committee, said this:

> I suggested to Viscount Ishii that it would be well for the two Governments to reaffirm the open-door policy, on the ground that reports were being spread as to the purpose of Japan to take advantage of the situation created by the war to extend her influence over China—political influence. Ishii replied to me that he would like to consider that matter, but that, of course, he felt that Japan had a special interest in China, and that that should be mentioned in any agreement that we had; and I replied to him that we, of course, recognized that Japan, on account of her geographical position, had a peculiar interest in China, but that it was not political in nature, and that the danger of a statement of special interest was that it might be so construed, and therefore I objected to making such a statement.

Mr. FERGUSON. Yes, sir.

Senator SWANSON. Now, it would seem from that that Secretary Lansing——

Mr. FERGUSON. Did not agree to the agreement which——

Senator SWANSON. That Secretary Lansing suggested these negotiations in order to protect the sovereignty of China and the open-door policy that he thought was being threatened by the conduct of Japan in China, and he thought this would be a protection to China, considering the troubled conditions existing in the world at that time.

Mr. FERGUSON. That would not be my interpretation of Secretary Lansing's remarks. My interpretation of the Secretary's remarks is that when Viscount Ishii came to America on his special mission and had a consultation with the Secretary, he considered, in view of what Japan had been doing in Shantung, the large number of petitions which had been sent to this country by the people of Shantung, that it would be well for Japan to reaffirm her policy of nonaggression in China; and that Viscount Ishii countered him by saying that they would be quite willing to do that, but would like also to add a new statement, that on account of geographical position Japan has special interests there; to which Secretary Lansing objected. But in the final agreement, to which whether or not the Secretary was a party I do not know, that was included; and I judge from this statement that the Secretary made that it was included contrary to his advice in the matter.

Senator SWANSON. What I wanted to know is, if you know, if Ishii came here personally with the purpose of opening negotiations, or whether, when he came here, these negotiations were initiated by our Government?

Mr. FERGUSON. He came to make negotiation.

Senator SWANSON. You are satisfied of that?

Mr. FERGUSON. Yes, sir; I think that is without doubt.

Senator MOSES. On page 193 of this record you will find that Secretary Lansing apparently acquiesces in that view. I read as follows from page 193 of our record:

Senator BORAH. And just before Ishii came over here to get his agreement with this country.
Secretary LANSING. No; Ishii——
Senator BORAH. No; it was in November, 1917.
Secretaty LANSING. 1917.
Senator WILLIAMS. That what took place—oh, that Ishii made his agreement?

Evidently Secretary Lansing acquiesced in that assumption.

Senator JOHNSON of California. The matter to which I was endeavoring to direct your attention in Senator McCormick's address in the Senate was this. [Reading:]

The Russian minister at Tokio sent his Government a confidential report on the Japanese view of the agreement. That was also published by the Russian revolutionaries, and in part is as follows:
"To my question whether he (the Japanese minister of foreign affairs) did not fear that in the future misunderstandings might arise from the different interpretations by Japan and the United States of the meaning of the terms, 'special position' and 'special interests' of Japan in China, Viscount Motono replied by saying that—(a gap in the original). Nevertheless, I gain the impression from the words of the minister that he is conscious of the possibility of misunderstandings also in the future, but is of the opinion that in such a case Japan would have better means at her disposal for carrying into effect her interpretation than the United States."

Do you know anything of the remarks of Motono concerning the interpretation that might in future be put upon the Lansing-Ishii agreement?

Mr. FERGUSON. I have seen that same statement quoted in the press of Japan, and I have a copy of it, also.

Senator JOHNSON of California. Can you enlighten us as to what is the "better means" referred to in that statement?

Mr. FERGUSON. Japan is nearer China. It is much easier for her to move troops, to move ships, than it is for the United States, in China. I do not know of any other.

Senator JOHNSON of California. That is all, sir.

The CHAIRMAN. Does anyone else desire to ask any questions?

Senator MOSES. What means was China permitted to employ in presenting her case at Paris?

Mr. FERGUSON. She had free opportunity, so far as I understand. I speak there only from reports given me by returned Chinese delegates. So far as I know, she had every opportunity of presenting her case.

Senator MOSES. Was she limited in any way in her choice of counsel, by suggestion or otherwise?

Mr. FERGUSON. Not officially; no official suggestion, so far as I know.

Senator MOSES. Do you know of any unofficial suggestion?

Mr. FERGUSON. Yes; I think there were unofficial suggestions.

Senator MOSES. Of what character?

Mr. FERGUSON. That it would be inadvisable to have foreign advisers there with her, in view of the complicated situation.

Senator MOSES. Do you know of any other delegation that was limited in respect to its advisers in presenting its case before the peace conference?

Mr. FERGUSON. No, sir.

Senator MOSES. What argument was employed in making this unofficial suggestion?

Mr. FERGUSON. That it would be better for China's case.

Senator MOSES. That was a simple assertion?

Mr. FERGUSON. Yes, sir.

Senator MOSES. When the final decision was reached in the Shantung matter, how was it communicated to the Japanese and Chinese delegations?

Mr. FERGUSON. I can only quote hearsay in that matter. It came to them, I might state, through the publicity department of the American delegation, as I understood it.

Senator MOSES. In writing?

Mr. FERGUSON. No, verbally.

Senator MOSES. Who was the messenger?

Mr. FERGUSON. I have only had that on hearsay. I should hate to read into the record the name without being able to state it on my own personal knowledge. I only know it from hearsay.

Senator MOSES. Hearsay from whom?

Mr. FERGUSON. From the returned delegate from the Chinese Government.

Senator MOSES. Would you mind giving his version of it as he communicated it to you?

Mr. FERGUSON. The facts were communicated to him by Mr. Ray Stannard Baker.

Senator MOSES. Did the communication contain anything except a statement of what had been decided upon?

Mr. FERGUSON. No; that is all; what had been decided upon.

Senator MOSES. No further communication was ever had with Mr. Baker?

Mr. FERGUSON. No, sir. I may also state that I have been informed from that same source that it was the understanding of the Chinese delegation that articles 156, 157, and 158 were drafted by the Japanese member of the drafting committee of the Paris treaty.

The CHAIRMAN. Are there any further questions to be asked of Dr. Ferguson? If not, that is all, Dr. Ferguson, and we are very much obliged to you.

Mr. FERGUSON. Thank you. I have handed to the official reporter these conventions that you asked me to insert in the record.

The CHAIRMAN. Yes, very well.

(Thereupon, at 11.40 o'clock a. m., the committee adjourned until to-morrow, Friday, August 22, 1919, at 10 o'clock a. m.)

FRIDAY, AUGUST 22, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to adjournment, at 10 o'clock a. m., in room 426 Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), McCumber, Borah, Brandegee, Knox, Harding, Johnson of California, Moses, Hitchcock, Williams, and Swanson.

STATEMENT OF PROF. EDWARD THOMAS WILLIAMS.

The CHAIRMAN. Prof. Williams, will you be kind enough to give your full name?

Prof. WILLIAMS. Edward Thomas Williams.

The CHAIRMAN. Of Berkeley, Calif.?

Prof. WILLIAMS. Of Berkeley, Calif.; yes, sir.

The CHAIRMAN. You are now a professor in the university, are you not?

Prof. WILLIAMS. Yes; I am professor of oriental languages and literature in the University of California.

The CHAIRMAN. You have been in China?

Prof. WILLIAMS. I lived in China for nearly 26 years, or about 26 years.

The CHAIRMAN. You were at Paris as one of the eastern experts, were you not?

Prof. WILLIAMS. Yes; my commission read as technical adviser of the American commission to negotiate peace.

The CHAIRMAN. You were one of the American experts?

Prof. WILLIAMS. Yes, sir; technical adviser on far eastern affairs.

The CHAIRMAN. Prof. Williams, I am going to ask Senator Johnson if he will go on with the examination, because he knows exactly what we desire to get.

Senator JOHNSON of California. Will you state about the time of your residence in China? You say you were there for about 26 years. That was during what period, Doctor?

Prof. WILLIAMS. I went out in 1887, and in 1909 I returned to the Department of State for 18 months, and then went back in 1911 and was there until February, 1914, when I returned to the Department of State again, and was in the Department of State until last September.

Senator JOHNSON of California. Were you, in your residence in China, acting in any official capacity?

Prof. WILLIAMS. I was.

Senator JOHNSON of California. What was your position?

Prof. WILLIAMS. Not all the time, but from 1896 until 1898 I was in the American Consular Service at Shanghai, and from 1898 until 1901 I was in the Chinese Government service as translator.

From 1901 until 1908 I was Chinese secretary of the American Legation at Peking.

From 1908 to 1909 I was consul general at Tientsin, and then came home in 1909 and was Assistant Chief of the Division of Far Eastern Affairs in the Department of State.

In 1911 I went back to Peking as secretary of legation, and was chargé d'affaires while Mr. Calhoun was at home; I was chargé d'affaires when the revolution broke out, and was again chargé d'affaires when he resigned and came home. I remained in charge during the recognition of the Republic and the coming out of Dr. Reinsch. In 1914 I returned to the State Department as Chief of the Division of Far Eastern Affairs, and remained there until last September.

Senator JOHNSON of California And during that period as chief of that division in the Department of State, was your residence in Washington?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Last September you undertook your work at the University of California?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Were you called from your work there for any specific purpose?

Prof. WILLIAMS. Yes; on the 3d of December I received a telegram signed by Secretary Lansing, asking me to go to Paris, and he was good enough to say that I was needed at the peace conference. I left as soon as I could—left on the 7th of December and arrived at Paris on the 31st of December.

Senator JOHNSON of California. You remained in Paris how long?

Prof. WILLIAMS. I remained until the 17th of May.

Senator JOHNSON of California. During that time were you performing the duties of the particular post of adviser?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Adviser upon——

Prof. WILLIAMS. Upon far eastern affairs.

Senator JOHNSON of California. And while you were in Paris were you familiar with the proceedings had in reference to the Chinese-Japanese matters in controversy?

Prof. WILLIAMS. Yes; to a certain degree. Of course I was not present at the meetings of the council.

Senator JOHNSON of California. Have you been the author of any books on far eastern affairs?

Prof. WILLIAMS. Only pamphlets.

Senator JOHNSON of California. Pamphlets?

Prof. WILLIAMS. No books.

Senator JOHNSON of California. Senator Moses asks whether the proceedings of the council were communicated to you in your capacity as adviser?

Prof. WILLIAMS. Some of them were; yes. At times when questions relating to the Far East came before the council I was summoned to the council meetings. I attended six meetings of the councils; five meetings of the council of ten and one meeting of the council of five.

Senator JOHNSON of California. Was that during the period that they were considering the Shantung matter?

Prof. WILLIAMS. Yes.

Senator MOSES. What was the procedure in those meetings that you attended, Doctor?

Prof. WILLIAMS. Mr. Clemenceau, the French Premier, presided, and two delegates from each of the five powers. They gathered around the room and questions that were raised were put by Mr. Clemenceau, and then there was a sort of informal discussion by anybody that cared to speak.

Senator MOSES. Was any vote taken at any of the meetings which you attended?

Prof. WILLIAMS. I do not remember any vote to have been taken.

Senator JOHNSON of California. Were you called upon at any time to render any advice concerning the Shantung decision?

Prof. WILLIAMS. Not before the council, but by our own commissioners I was asked several times for memoranda on various phases of it.

Senator JOHNSON of California. Did you furnish any memoranda?

Prof. WILLIAMS. I did; yes, sir.

Senator JOHNSON of California. Have you any copies of the memoranda thus furnished?

Prof. WILLIAMS. No; I have not. They were left in the files in Paris.

Senator JOHNSON of California. Do you remember substantially what you then advised?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Go ahead and in your own way state your advice on the Shantung decision, will you?

Senator BRANDEGEE. And let him state what he put in these memoranda.

Senator JOHNSON of California. Yes; I was going to have him characterize in his own fashion the Shantung decision and tell about it. Then I was going to ask him concerning this advice and to whom given.

Prof. WILLIAMS. My own opinion is that the decision was an unfortunate one; that the leased territory of Kiaochow and the railways and mines in Shantung, which had been in the possession of Germany ought to have gone automatically to China at the conclusion of the peace; that they were taken from China by force, by an act of piracy; that the fact that some other power had driven out the Germans from Shantung did not seem to constitute a title to this property, and that they would naturally revert to the soverign of the territory.

You remember that the conference was organized on the 18th of January, 1919, and on the 27th this question came up before the conference, when the disposition of the German colonies was brought up.

On that day Baron Makino presented the claim on behalf of Japan to have these rights formerly belonging to Germany in the Province of Shantung transferred directly and unconditionally to Japan. He made his statement, and immediately one of the Chinese delegates arose and asked if China could be heard. M. Clemenceau said that the question that morning was not so much about Shantung as about the German colonies, and that China would be heard later.

So they first discussed the question of the disposition of the islands in the Pacific north of the Equator, and then passed to the German colonies in Africa.

The next day China was called upon for her statement. Dr. Ku, the Chinese minister to the United States, spoke on behalf of the Chinese delegation, made a very clear and forcible statement in behalf of China's claim to have these rights handed directly to China, and then Baron Makino arose and said that this matter really had been already arranged for between China and Japan by the convention of 1915, in which China had agreed that she would abide by any arrangement made between Germany and herself with regard to the disposition of these rights in Shantung Province. He also referred to the fact that there had been some agreements between China and Japan with regard to the railways in Shantung. President Wilson arose and asked if he meant that these agreements were to be put on the table, and he said yes; and then he corrected himself and said of course he would have first to consult his Government, but he thought there would be no objection to their being put on the table.

The agreements to which he referred were those of last September with regard to the joint operation of the Shantung Railway by China and Japan and the turning over to Japan of the option which Germany had for building certain extensions of railways in the Province of Shantung.

Senator HITCHCOCK. What was that date?

Prof. WILLIAMS. That was last September; I think September 24, 1918.

Then the question rested for a good many weeks. On the 9th of April, or the 8th of April, I think it was, I received a telegram from the Shantung legislative assembly, the legislative assembly of the Province of Shantung, asking the delegation of the United States to use its good offices to have these rights which had been taken by Germany in Shantung transferred directly to China rather than to Japan. This telegram was signed not only by the officers of the Shantung legislative assembly, but by other prominent men, representatives of the educational association of China and the provincial chamber of commerce of Shantung.

On receiving this telegram I wrote another memorandum. I forgot to say that in January I had prepared a memorandum on the whole question, which was sent to the commission, and this was supplemented later by another memorandum on the question of the railways in Shantung. I do not remember the exact date of that; but on the 9th of April I prepared a memorandum calling attention to the fact that in our treaty with China of 1858 we were pledged to China to use our good offices in case any country acted unjustly toward China—that we would use our good offices to try to make an amicable adjustment.

I called attention to this, and suggested that we ought to draw up a clause for the treaty which would provide for the transfer of these rights directly to China. This was sent to the commission, and the next day I received instructions to draw up such a clause and to consult with Dr. James Brown Scott of the American delegation, who was our international law expert. I did this, and saw Dr. Scott, I think it was the next day.

Dr. Scott suggested as an alternative that instead of transferring the rights directly to China they might be transferred to the five powers, in trust for China. That that might be a compromise that would be satisfactory to Japan.

This was discussed, but I do not know how much, by the council. At any rate I heard nothing definite until the 22d of April, in the evening, when I received a telephone message that the President would like to see me.

I went up, and President Wilson was in conference with some one. I was waiting only a few moments, however. He came in and said that he wanted me to consult with the other far eastern experts of the British and French delegations as to which of two alternatives would be the least injurious to China, whether it would be less injurious to China to transfer to Japan all the rights and privileges formerly enjoyed by Germany in the Province of Shantung, or to insist upon the execution of the convention of May 25, 1915.

While in conversation with President Wilson he said to me that unfortunately the British and French were bound by certain engagements which they had entered into with Japan to support Japan's claim for the transfer of these rights to herself directly, and that Lloyd George said he was bound only to support the transfer of the rights enjoyed by Germany but no others—not the transfer of anything else; and he said that the war seemed to have been fought to establish the sanctity of treaties, and that while some treaties were unconscionable, at the same time it looked as though they would have to be observed.

Senator KNOX. Lloyd-George said this?

Prof. WILLIAMS. No; President Wilson said that to me.

I said, "Well, Mr. President, do you think that a treaty which has been extorted from China by force and by threats of military operation ought to have any binding force?"

He said, "Well, perhaps the Japanese would not admit that it was obtained in that way."

I suggested that the published documents seemed to indicate that it had been in that way, and he said, "Of course if the documents show it, then the Japanese would not deny it;" but he asked me, however, to go and consult these experts about the question which he had raised.

I asked if I might suggest an alternative solution, and he said "certainly," and I suggested that we might adopt a blanket article in the treaty covering all German properties in China, saying that Germany renounced all rights and title to those government properties in China and that they reverted automatically to China, but since the port of Tsingtao and the railways and mines in the Province of Shantung had been taken from Germany by Japan with the aid of Great Britain, and were now in the possession of Japan, that in so far as these government properties in Shantung were concerned they would be transferred to China by Japan within one year after the signing of the peace treaty.

He said that he had not considered it from that angle, and would like me to write it out, which I promised to do.

This was the 22d; the next day was the 23d. The next day there appeared in the papers the appeal which President Wilson made to the Italian people with regard to Fiume and the Dalmatian coast,

which raised considerable stir in Paris; and on the 24th the far eastern expert for Great Britain and the far eastern expert for France and myself met and signed a statement which was sent to the council of three, President Wilson, Lloyd George, and Clemenceau, with a signed statement in which we said that in our opinion it would be less injurious to China to transfer all the rights formerly enjoyed by Germany in the Province of Shantung than it would be to insist upon the observance of the convention of 1915, and I told these two gentlemen representing the British and French delegates that I was going to send an independent statement trying to point out that neither alternative ought to be adopted; that we ought neither to insist upon the enforcement of the treaty of 1915 nor the transfer of these rights; that I would make an argument against it. At first Mr. Macleay, of the British delegation, said that he would not be able to do anything in that line, but afterwards he changed his mind and he also sent a statement—I never saw it, and I do not know just what he said, but I believe it was along those lines—that we were not shut up to these alternatives.

I sent a statement to President Wilson, in which I begged to call attention to this fact. I can not recall the argument which I made at the time, so that I can not say definitely what I said except that I must have pointed out that the convention of 1915 was extorted by force; that Japan had already two divisions of troops in China and had just transferred two more, and gave the Chinese Government 51 hours in which to reply to the ultimatum, failing which she would take such measures as to her seemed desirable in the premises, and that therefore a convention of that sort did not seem to me to have any binding force. I must have pointed that out, because afterwards—if you will allow me, I will quote a statement here.

Just to return a moment to the interview with President Wilson of the day before, I asked President Wilson if the settlement proposed transferring these rights directly to Japan or insisting upon the execution of the convention of 1915, was not contrary to the fourteen points laid down as a basis of peace. He said unfortunately he did not think there was anything in the fourteen points that exactly covered the case. But on looking over the addresses of President Wilson and the statement made by Secretary Lansing to the German Government with regard to the bases of peace, I found this [reading]:

The unqualified acceptance by the present German Government and by a large majority of the German Reichstag of the terms laid down by the President of the United States of America in his address to the Congress of the United States on the 8th of January, 1918, and in his subsequent addresses, justifies the President in making a frank and direct statement of his decision with regard to the communications of the German Government of the 8th and 12th of October, 1918.

Now as to the subsequent addresses, although there is nothing directly bearing upon the question of the 14 points mentioned in the address of January 18, one of the subsequent addresses was that on the 4th of July at Washington's Tomb at Mount Vernon in which he said:

No halfway decision is conceivable. These are the ends for which the associated peoples of the world are fighting and which must be conceded them before there can be peace.

Then he mentions, one, "the destruction of any arbitrary power anywhere," and so on, and two is the one to which I want to call attention. [Reading:].

The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned ,and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.

I think it was in this memorandum to the President that I mentioned this point. I can not say positively that it was in that or some other connection that I called attention to this statement and said that my understanding was that all the powers who entered into the agreement for the negotiation of peace after the armistice of November 11 practically accepted the bases of peace as laid down by the American Government and that this was one of the bases of peace, and that no exception, no reservation, had been made to this by any of the powers, by Great Britain, France, or Japan, although Great Britain did make reservations with regard to some other things, and that therefore it seemed to me that any prior arrangement such as these secret treaties between Great Britain and Japan and between France and Japan ought not to be held any longer in force because they were really abrogated by the acceptance of these bases of peace.

Senator JOHNSON of California. Did you state that to the President or state it in the argument that you presented to him upon the subject?

Prof. WILLIAMS. That is my recollection; but, as I say, I am not absolutely positive whether it was in a memorandum to the President or in an argument to the commission, but I stated it in one of the memoranda.

Senator JOHNSON of California. In either one or the other?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Was there any response given you in that regard?

Prof. WILLIAMS. I received only a note from the President's secretary thanking me for the memorandum.

Senator JOHNSON of California. Proceed, then, Doctor. After you had reached a certain date——

Prof. WILLIAMS. On the 24th of April and on the 30th of April I was informed that the question had been decided; it had been determined to transfer all the property formerly belonging to Germany and all the rights and privileges belonging to Germany in the Province of Shantung unconditionally to Japan.

Senator JOHNSON of California. Did you have any further connection with the matter?

Prof. WILLIAMS. No; nothing further. Well, perhaps I may say that I did have a conference—no; it was before this statement that I had a conference.

Senator JOHNSON of California. Was there any other expert upon oriental or far eastern affairs at Paris with you?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Who was that?

Prof. WILLIAMS. Dr. Stanley K. Hornbeck.

Senator JOHNSON of California. Did his views coincide with yours?

Prof. WILLIAMS. Entirely.

Senator JOHNSON of California. Did you and he unite in any other protest than that stated in your memorandum?

Prof. WILLIAMS. I think we did. We sent at different times a great many memoranda on various phases of the question between China and Japan, in which we united. I can not definitely say when they were and what they were.

Senator JOHNSON of California. You mean united in opposition to the position taken?

Prof. WILLIAMS. No. We did not make any report after the decision was rendered. We made no protest after the decision was rendered.

Senator JOHNSON of California. Up to the time of the rendition of the decision, you had protested against such a determination?

Prof. WILLIAMS. Yes; we had objected very strongly to the suggested transfer of these properties.

Senator JOHNSON of California. Can you explain any more fully the reasons of your position and of your protest of the particular decision regarding Shantung? In your opinion has it violated the 14 points of the basis of peace?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. What effect in your opinion does the decision have upon China or our relations with China?

Prof. WILLIAMS. Well, I felt that it would raise a storm of protest in China and it was tending to strife rather than peace, because I knew or felt sure that the Chinese would not submit to it without considerable protest, and that there was danger of violence. Also I felt that it was injurious to our interests, though I think that is a matter of secondary consideration.

Senator WILLIAMS. Injurious to what?

Prof. WILLIAMS. To our own interest in China, because it would raise a feeling that China had come into the war on the invitation of the United States and rather looked to the United States to help bring about a just settlement of these troubles, and that now in turning over the whole situation to Japan, we were really injuring our own standing in the Far East.

Senator JOHNSON of California. When did you cease your connection with the peace conference in Paris, doctor?

Prof. WILLIAMS. The 17th of May.

Senator JOHNSON of California. Was that due to any particular reason?

Prof. WILLIAMS. No; I had already engaged my passage some six weeks before, and before this question was decided, because my leave of absence was about to expire. I would have come home in any case.

Senator JOHNSON of California. Are you familiar with the provisions inserted in the treaty concerning the disposition of Shantung?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Will you state whether or not in your opinion those provisions give more to Japan than either the convention of 1915 or the succession to the German lease?

Prof. WILLIAMS. Well, I think they do. I am not quite certain whether the clause of the treaty makes any reference to the leasing of the railway. Does it?

Senator JOHNSON of California. I think not. I will show that to you, however.

Senator HITCHCOCK. May I ask a question there?

Senator JOHNSON of California. Surely.

Senator HITCHCOCK. In the treaty Japan gets nothing except what Germany gives, does it? No other power transfers anything to Japan?

Prof. WILLIAMS. No.

Senator HITCHCOCK. So it is only what Germany had that Japan gets?

Prof. WILLIAMS. Yes.

Senator HITCHCOCK. I notice that specifically you did not mention sovereignty. You mention only rights and interests?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Sections 156 and 157 are the sections of the treaty relating to the matter, I think.

Prof. WILLIAMS. Well, whether she got any more than Germany possessed depends somewhat on the status of the railway in Shantung. It has been held by some of the Japanese experts that the railway in Shantung was German Government property and by other Japanese experts that the railway in Shantung was not government property but belonged to a Sino-German corporation; so that this transfer of the railway to Japan would seem to be a transfer to government ownership of a railway which really was constructed by a Sino-German corporation, and in my opinion it was a private corporation. It did not belong to the government.

Senator MCCUMBER. Germany could not renounce to Japan anything that Germany did not own, could she?

Prof. WILLIAMS. Quite so.

Senator MCCUMBER. Therefore all that Japan could obtain from Germany by this renunciation would be the German rights?

Prof. WILLIAMS. Quite so.

Senator MCCUMBER. And nothing further?

Prof. WILLIAMS. Yes. But I might point out that Japan, in order to safeguard herself on this point, last September entered into a secret convention with the Chinese Government in which China agreed that the operation of the railway in Shantung should be made a joint Chinese-Japanese concern.

Senator MCCUMBER. What we were considering is what this treaty does.

Prof. WILLIAMS. Quite so.

Senator HITCHCOCK. Was this arrangement between Japan and China in September, 1918, also made under duress?

Prof. WILLIAMS. Not exactly, and yet it was. I will tell you the circumstances. After Japan took Tsingtao, in fact, before she took Tsingtao, she took the railway not only in the leased territory but the whole length of the railway clear up to the capital of the Province of Shantung. That railway had never been policed by the Germans. No German troops had ever been there. It was under the protection of the Chinese and had been policed by them. But the Japanese took the railway for 254 miles outside the leased territory, and after they had taken the railway they began to establish civil governments along at the stations.

The Chinese, particularly the people of Shantung, protested strongly against the usurpation of sovereign rights in Shantung, and the protest was so strong that the Chinese Government, last Septem-

ber, in order to get rid of the troops and the civil governments, entered into this agreement that they would make the railway a Sino-Japanese concern, and that Japan was immediately to withdraw all her troops except a small guard at Tsinan, which is the capital of the Province, and was to abolish the civil government along the line.

The CHAIRMAN. Has she done that?

Prof. WILLIAMS. I do not know whether she has or not.

Senator HITCHCOCK. Has China ever denounced these treaties of 1915 and the agreement of 1918?

Prof. WILLIAMS. Well, when she signed them it was under not exactly formal protest, but she made objection at the time.

Senator HITCHCOCK. You spoke of the German acquisition of the 99-year lease and other rights in Shantung Province as an act of piracy.

Prof. WILLIAMS. Yes.

Senator HITCHCOCK. Was it any different from other acquisitions by Great Britain and France in China?

Prof. WILLIAMS. Yes; I think it was. It is true that Great Britain acquired territory, the Island of Hongkong, and Kowloon opposite, but it was the result of war, for which China of course was blamed, and in this particular case the Germans had had two missionaries murdered in 1897 in a small village in southwest Shantung, not because they were missionaries, not because they were Germans, but because these robbers robbed the whole village, robbed the Chinese as well as the foreigners, and these two unfortunate Germans were killed. Immediately the Germans landed marines and threw out the Chinese Government and took possession of the ports and held them until they obtained satisfaction for the murder, and compensation to the families of the murdered men, and the erection of two chapels in Shantung, and then they demanded the lease for 99 years of the port.

Senator HITCHCOCK. That was in 1898 that that was consummated?

Prof. WILLIAMS. Yes; March, 1898.

Senator HITCHCOCK. Was that acquiesced in by the nations of the world?

Prof. WILLIAMS. I do not know whether they made any formal protest, but it was that which led to the action of Secretary Hay asking for the guaranty of the open door.

I beg your pardon, may I say one thing further, that when Germany seized this, it seemed to be acquiesced in by certain other powers because immediately Russia demanded the lease of Dalny and Port Arthur, and Great Britain demanded the extension of Kowloon, and the French demanded the lease of Kuangchouwan.

Senator HITCHCOCK. Did the others protest these concessions?

Prof. WILLIAMS. China did.

Senator HITCHCOCK. But you regard this acquisition as more extreme, and as you term it, an act of piracy and an imposition on the Chinese Government?

Prof. WILLIAMS. Yes.

Senator HITCHCOCK. Now you say that in 1858 we made a treaty with China in which we agreed to use our good offices in case of a power attempting to impose upon China. Can you state what we did about it?

Prof. WILLIAMS. We did not do anything so far as I know.

Senator HITCHCOCK. We acquiesced in it?

Prof. WILLIAMS. Yes.

Senator HITCHCOCK. This note that you spoke of from Mr. Hay contained many complimentary and congratulatory phrases to Von Bulow, the German minister, for the manner in which Germany was undertaking to administer the Province, did it not?

Prof. WILLIAMS. I do not know that it referred to the administration of the Province. I can not recall just what it did say.

Senator HITCHCOCK. That was in 1899, as I recall it, when he commended the German Government in——

Prof. WILLIAMS. In protecting their own citizens.

Senator HITCHCOCK. No; the method and means Germany adopted with respect to the treatment of other nations, administering customs——

Prof. WILLIAMS. And making it an open door.

Senator HITCHCOCK. So that it really was an acquiescence in what Germany had done, and what you describe as an act of piracy.

Senator MCCUMBER. Has that treaty of 1858 ever been put into any kind of practical application?

Prof. WILLIAMS. Not to my knowledge.

Senator MCCUMBER. Has China ever made any request to us to exercise our good offices to protect her against the acquisition of these concessions by other governments?

Prof. WILLIAMS. I do not recall any.

Senator MCCUMBER. When Germany took possession of Kiaochow and obtained her rights in the Shantung Peninsula, did China ever request this Government to intervene in any way?

Prof. WILLIAMS. Not that I know of.

Senator MCCUMBER. And this Government never has intervened in any of those matters or extended to China her good offices to protect her against that.

Prof. WILLIAMS. I do not recall any such action.

Senator KNOX. Doctor, do you not recall that while you were in the State Department there were certain concessions that Japan demanded of China of a monopolistic character, and China appealed to us and we did intervene and secured modifications of them?

Senator MCCUMBER. Did they do that, Senator, under the provisions of the treaty of 1858, or did they even refer to that treaty?

Senator KNOX. I do not recall whether they referred to the treaty, but China asked of us our good offices to relieve her of the burden of these monopolistic concessions, and we did intervene and did secure a very decided modification.

Senator MCCUMBER. She did not base her request, however, on the treaty of 1858.

Senator KNOX. I do not recall that. I do not see any other ground on which she could ask for it.

Senator MCCUMBER. I wanted to know if that treaty had fallen by the wayside or whether it was considered a live treaty.

Prof. WILLIAMS. After the occupation of Kiaochow by Germany and the signing of the convention by which she obtained not only the lease of that territory but certain economic rights in the Province of Shantung, we made a reservation, if I remember rightly, of our own rights in the case.

Senator KNOX. And we put an interpretation upon the lease that released it from a monopolistic character, in which Japan acquiesced. Is not that correct?

Prof. WILLIAMS. I think so. I do not remember the details.

Senator MCCUMBER. But we did nothing in regard to the very much greater and more serious menace to China in the matter of the seizure by Germany of Kiaochow.

Prof. WILLIAMS. Apparently not.

Senator MCCUMBER. May I ask one other question right here? If I understood you correctly, in your conversation with the President, the President made some reference at least to Japan turning the Kiaochow territory over to China within one year after the signing of the treaty. Would you kindly repeat what you said?

Prof. WILLIAMS. That was my own suggestion, as a compromise, that, if Japan wanted these rights transferred directly to her and China wanted them transferred directly to herself, possibly we might introduce into the treaty a simple blanket clause that all government property formerly belonging to Germany in the Republic of China should be renounced by Germany and should revert automatically to China; but with this qualification, that since the properties in Shantung had been taken by Japan and were now in the possession of Japan, they should be transferred to China by Japan within a year after the signature of this treaty.

Senator MCCUMBER. What did the President say to that?

Prof. WILLIAMS. He said that he had not thought of it particularly from that angle and asked me to write it out, and I embodied that in the memorandum which I sent to him the next day.

Senator MCCUMBER. Did you ever have any further talk with the President with reference to that?

Prof. WILLIAMS. No.

Senator MCCUMBER. Do you know of any conversations between the President and the Japanese representatives in reference to the return of the German rights to China?

Prof. WILLIAMS. I do not, I know that there were such conversations, but I was not present, and I do not know what was said.

Senator BRANDEGEE. May I ask the professor a question? I was called from the room on business, and you may have answered this. If you have, just to say so and I will withdraw it. As I recall it, the President in his interview with the members of the Foreign Relations Committee the other day stated that he had implicit confidence in the agreement or promise that Japan had given to return these rights or concessions, whatever they may be, which she gets under the treaty, to China.

Prof. WILLIAMS. Yes.

Senator BRANDEGEE. Have you stated in your testimony exactly what that agreement made by Japan consisted of?

Prof. WILLIAMS. No; I have not.

Senator BRANDEGEE. Would you be kind enough to tell us whether it was a verbal statement between the other representatives, and which ones, and whether it appears at length in the procès-verbal: whether it is accessible to anybody so that they can see in what terms it was couched?

Prof. WILLIAMS. Well, you mean of a promise that Japan made in Paris?

Senator BRANDEGEE. Yes, sir.

Prof. WILLIAMS. I do not know. I do not know whether she has made anything more than a statement that her agreement of 1915 would be carried out, and that to state it in the treaty would be a reflection upon her bona fides. Therefore, it is not stated in the treaty.

Senator BRANDEGEE. So far as you know, was there any assurance given by any representative of Japan in Paris, either to the conference or any member of the American Commission, in addition to what was contained in the treaty promise?

Prof. WILLIAMS. I only remember one case. I suppose that something of the sort may have been said in the council meeting. That I do not know. But I do remember an interview between Viscount Chinda and Secretary Lansing, in which Viscount Chinda said that the convention of 1915 must be carried out exactly, and of course that convention of 1915 has annexed to it, you remember, an exchange of notes in which Japan agrees upon four conditions to transfer the leased territory to China.

Senator BRANDEGEE. I have seen in the newspapers, I think, statements to the effect that representations had very recently been made by Japan or some of its spokesmen to the effect that while they would get out, they would name no time when they would get out, and that, and the conditions of their getting out, and the terms of their getting out, were to be decided by agreement to be made at some time in the future between Japan and China.

Prof. WILLIAMS. Yes.

Senator BRANDEGEE. Was that correct?

Prof. WILLIAMS. I do not know. I saw the report, myself. But the four conditions of transfer, you will remember, were these. The lease only covered the waters of the bay up to high-water mark and two little points at the mouth of the bay. That was all that was contained in the lease.

The first condition was that the waters of the bay should be thrown open to international trade—the whole area of the leased territory.

The second condition was that Japan should have, somewhere within the leased territory, a concession for a settlement under her exclusive jurisdiction.

The third condition was that if the other powers wanted an international settlement, they should have it elsewhere on the bay.

The fourth condition was that the disposition of the government properties in Tsingtao should be settled by agreement between Japan and China; and of course the fourth condition has already been settled by the treaty, which transfers all these properties directly to Japan.

Senator BRANDEGEE. What is the extent of Kiaochow Bay? If I get your idea, there are two points on opposite sides of the curve, and then there is a zone of the waters of the bay up to high-water mark How much area, in square miles, would be contained within those limits, in the bay?

Prof. WILLIAMS. I do not recall the number of square miles.

Senator BRANDEGEE. I do not want you to be exactly accurate, of course, but give us some idea.

Prof. WILLIAMS. The bay is horseshoe-shaped, and it is about 15 miles from the mouth of the bay to high-water mark on the opposite side of the bay.

Senator BRANDEGEE. What is the width of the bay?

Prof. WILLIAMS. About the same. I do not remember exactly. The point on the other side of the bay is very small. The water is very shallow there. There is a bathing beach there. The point on the right is a little larger, and there has been, from ancient times, a little village there called Tsingtao, which means green island, and that has now grown into a beautiful city. The Germans have built a beautiful city there; they have built docks and wharves and dredged.

Senator BRANDEGEE. Let me ask you this, and it is all that I care to ask: If it be true that Japan has agreed to get out only in accordance with such conditions as she may agree upon with China, does it not leave it practically within the sole power of Japan to get out or to stay on? That is, can she not refuse to agree with China and continue to stay on the ground that China is unreasonable about the conditions, and that the treaty provides that she need not get out until they have agreed on conditions?

Prof. WILLIAMS. Well, they have practically agreed, you see, in this convention of 1915; but China's position was that that treaty was no longer binding, not only because it was forced upon her, but because, after entering into this convention, China herself declared war upon Germany and abrogated all her treaties with Germany, including this lease of Kiaochow. Therefore, there was not anything to be discussed between Japan and Germany.

Senator BRANDEGEE. Have you any idea, from your knowledge and experience of the situation there, why it is that Japan declines to name a definite day—even a remote day—when she will get out?

Prof. WILLIAMS. I should say probably it was because of the attitude of China in refusing to sign the treaty.

Senator KNOX. May I ask you a question here? Having reference to the topography of the bay and the surrounding country and the peninsula, generally, what relation do these German rights that have been transferred to Japan have, economically and politically, to the entire peninsula and to China, generally?

Prof. WILLIAMS. The lease—or the convention, rather—of March, 1898, not only transferred, or gave Germany a lease of, the bay and territory, but also the right to construct railways in the Province of Shantung, and to operate certain mines there; and also an option on all public works that might require foreign capital or skilled labor. These now have passed to Japan, so that she not only has Tsingtao, but she has the right to operate these mines; and she also has the option on all public works in the Province of Shantung.

Senator KNOX. What relation does that give her to the economic conditions in Shantung?

Prof. WILLIAMS. It practically controls the economic conditions of Shantung.

Senator KNOX. And what relation does it have to the great outlet to the northwest?

Prof. WILLIAMS. It is very important, because Kiaochow Bay is the best bay on the Chinese coast north of the Yangtse River, and by the railway which is already completed to Tsinan it connects with the main line to Peking and by the extension of that railroad will connect with the other railway from Hangkow to Peking, and by another extension which has been agreed to it will connect with the proposed grand-trunk line the building of which was granted as a

concession to Belgium and which is to extend from the seacoast far up into northwestern China towards Turkestan, so that they can practically make it an outlet for all the trade of northern China, and not only the trade, but it also taps the coal fields not only of Shantung but of Shansi, one of the largest fields in the world.

Senator WILLIAMS. This railway you are referring to from Tsingtao, or whatever it is, was that a State railway or was it built and owned by a German corporation?

Prof. WILLIAMS. As I stated awhile ago, that is a matter of dispute. My own opinion is that it belonged to a private corporation, but it is stated that it was a State-owned railway.

Senator WILLIAMS. I notice that the language in the treaty is "all German rights in the Tsingtau-Tsinanfu Railway." That would include not only German State rights but German corporation rights, whichever they happened to be, would it, or would it not?

Prof. WILLIAMS. I should not think so. I should not think that the German Government could transfer private rights.

Senator WILLIAMS. According to your interpretation that would refer only to German State rights?

Prof. WILLIAMS. Yes.

Senator WILLIAMS. If that is the case, and that is all that Germany had, that was all she could give, was it not?

Prof. WILLIAMS. Yes.

Senator WILLIAMS. I notice down below, when we come to submarine cables, it uses the language "German State submarine cables," instead of saying "German rights in submarine cables."

Prof. WILLIAMS. Yes.

Senator WILLIAMS. Do you know how that distinction happened to be made in the language of the treaty?

Prof. WILLIAMS. I do not.

Senator WILLIAMS. I notice still further down, in article 157, the language, "the movable and immovable property owned by the German State in the territory of Kiaochow."

Prof. WILLIAMS. Yes.

Senator WILLIAMS. I notice about this entire matter here in articles 156 and 157, that the first clause in article 156 has the language "Germany renounces." The second clause transferred certain German rights in a railway. The next clause transferred certain German States cables. The next clause transferred certain "movable and immovable property owned by the German State."

Prof. WILLIAMS. What about it?

Senator WILLIAMS. Now, if your interpretation is correct, the second clause under article 156 means German State rights and not German corporation rights of various sorts; and then, of course, if there were no German State rights in the railway none would pass by this clause. But suppose it meant, contrary to your interpretation, German corporation rights established under the German power and transferred over to Japan when she took possession and therefore become subject to her jurisdiction, just as alien property here taken over by us becomes subject to us—although subject, of course, to final treaty disposition. Now, coming down to where it is all taken together, could it be possible that this would mean anything except such rights as Germany already had, and could it be

affected by any change in the status quo by any action of the Japanese subsequent to taking them? Because I understood you to say that Japan has made certain assertions of right which Germany had not made, and they were afraid that those Japanese assertions of right would come in under this treaty.

Prof. WILLIAMS. Yes.

Senator WILLIAMS. I understand how those Japanese assertions of right might come in under the treaty of 1915, if that was a proper interpretation, but I do not see how they would come in under any possible interpretation of this treaty, if this treaty stood alone.

Prof. WILLIAMS. I think you are right.

Senator WILLIAMS. And as an agreement between us and Germany it does stand alone.

Prof. WILLIAMS. Yes.

Senator KNOX. When I yielded to Senator Williams I had not finished my questions as to the topographical conditions, and I should like to recur to them. You spoke of the relative value of the harbor at Kiaochow.

Prof. WILLIAMS. Yes.

Senator KNOX. Is it correct that there is a permanent depth of water there that will allow the largest ships to come right to the docks?

Prof. WILLIAMS. Yes; but that, I think, is due to the dredging done by the Germans since they took possession.

Senator KNOX. It is a permanent improvement, however?

Prof. WILLIAMS. Yes.

Senator KNOX. As compared with the remaining littoral of the bay, how is it as to water there?

Prof. WILLIAMS. It is the only place where there is a good depth of water. When you go farther up the bay the water is very shallow and before any other settlement could be made there would have to be some further dredging.

Senator KNOX. And as compared, say, with the harbor at Shanghai, what is the relative value of the harbor of Kiaochow?

Prof. WILLIAMS. It is very much more valuable than the harbor at Shanghai, because the large ocean-going steamers do not as a rule go up to Shanghai unless they are first lightered. Shanghai is 14 miles up from the mouth of the river, and most of the large steamers anchor in the mouth of the river. So here at Kiaochow you have a very much more advantageous port, because the largest ocean-going steamer can go alongside the wharf.

Senator KNOX. So that in effect the possession and control of the harbor at Kiaochow is the mouth, or the inlet, of the great transportation lines that lead not only up through the peninsula itself but on to Peking and then on to the northwest.

Prof. WILLIAMS. Yes.

Senator KNOX. That is all I wanted to ask.

Senator HARDING. Before you get away from the inquiry made by Senator Williams, is it your understanding that the language employed in the relinquishment and transfer of rights was suggested by the Japanese commissioners.

Prof. WILLIAMS. I do not know.

Senator MCCUMBER. I should like to ask Prof. Williams a question about the treaty, if the Senator from Ohio has concluded.

Senator HARDING. I am through.

Senator MCCUMBER. The Senator from Connecticut (Mr. Brandegee) in his question suggested, at least as I understood him, that there was a provision in the treaty between Japan and China whereby Japan agrees to restore Kiaochow Bay on certain conditions, and those conditions were to be agreed upon between China and Japan. Are there any conditions that are to be agreed upon by China and Japan as a condition precedent to the transfer of Kiaochow Bay, either in the treaty or in the note?

Prof. WILLIAMS. There is none in the convention of 1915 or the note. The conditions are expressly stated. They are not reserved to be made thereafter.

Senator MCCUMBER. I wish to call attention to that. That is, the very first proposition is this:

When after termination of the present war the leased territory on Kiaochow Bay is completely left to the free disposition of Japan, the Japanese Government will restore the said leased territory to China under the following conditions——

Prof. WILLIAMS. Yes.

Senator MCCUMBER. The first condition is simply this:

1. The whole of Kiaochow Bay to be opened as a commercial port.

Prof. WILLIAMS. Yes.

Senator MCCUMBER. The only condition there is that when it is returned it is to be opened as a commercial port?

Prof. WILLIAMS. Yes.

Senator MCCUMBER. And that means for the commerce of all nations?

Prof. WILLIAMS. Yes; that is all.

Senator MCCUMBER. There is no string whatever tied to that?

Prof. WILLIAMS. No.

Senator MCCUMBER. Let us come back, then, to the first proposition:

When after termination of the present war the leased territory on Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China.

"After termination of the present war" would naturally be construed to mean immediately after, would it not?

Prof. WILLIAMS. I should think it would require the ratification of the treaty before it could be terminated.

Senator MCCUMBER. That would be the termination of the war by the ratification of the treaty.

Prof. WILLIAMS. Yes.

Senator MCCUMBER. Then your construction of the treaty would be that it would be the duty of Japan to proceed immediately—that is, within a reasonable time—to retransfer the rights she obtained from Germany in Kiaochow Bay to China?

Prof. WILLIAMS. Only the lease.

Senator MCCUMBER. Yes; the rights that she obtained; and the rights were those of a lessee only.

Prof. WILLIAMS. That, of course, does not carry with it the railway and mining rights.

Senator MCCUMBER. No; those are dealt with under other subdivisions.

Prof. WILLIAMS. And I want to say right here that I have not the slightest doubt that Japan will, when the war is ended, carry out her promise; but that the promise is wholly unsatisfactory, because while she is to transfer to China the lease, which has yet 78 years to run, she obtains a perpetual concession on the port, so that there is nothing of any consequence handed back.

Senator MCCUMBER. What is that concession, that she obtains at the port? I am asking you for information on this, because the second proposition to me is very much clouded.

Prof. WILLIAMS. Yes.

Senator MCCUMBER (reading):

Second, a concession under the exclusive jurisdication of Japan, to be established at a place designated by the Japanese Government.

That signifies nothing to me, because I do not know what is meant by it, and I would like to have your view of it.

Prof. WILLIAMS. In the Far East, especially in China, the word "concession" has a very definite meaning. For instance, there is in Shanghai a French concession where there is a French settlement. There is no limit to the lease. It is indeterminate. There is also an international settlement there which includes the former British concession, and territory which was offered to the United States for an American concession.

Then at Canton there are two concessions, a British and a French concession. At Tientsin there are several concessions; there are, altogether, nine, I believe.

Senator MCCUMBER. They are concessions covering what territory?

Prof. WILLIAMS. Covering territory for the residence and trade of the citizens, I suppose, of the power concerned.

Senator MCCUMBER. In each instance they would cover how many acres or square miles, or whatever territorial unit you desire to use?

Prof. WILLIAMS. In Shanghai—perhaps that is not a good illustration, but I can use it—the French concession at Shanghai is about four miles long by perhaps on an average a mile wide; about 4 square miles.

Senator MCCUMBER. It can be used for what purpose?

Prof. WILLIAMS. For the residence of French and other foreign nationalities, and for their trade. There is a French municipality there.

Senator MCCUMBER. Then your view is that the concession mentioned in subdivision No. 2 of the note, is a concession similar to that granted to the other powers?

Prof. WILLIAMS. Yes.

Senator MCCUMBER. That is, a place for the residence of Japanese for the purpose of trade?

Prof. WILLIAMS. Yes; quite so.

Senator BORAH. Senator, may I ask a question right there?

Senator MCCUMBER. Certainly.

Senator BORAH. You speak of this concession as a place of residence and trade and so forth. To what extent does that exclude the Chinese from control over that particular territory? Have they any say with regard to the policing of it, or the administration of the laws of the country over it, and so forth?

Prof. WILLIAMS. We have three varieties of concessions in China. There are those like Shanghai, which are policed entirely by the

foreign municipality, having foreign policemen. There are others which are open to China herself, which are policed by China. In this case this is to be under the exclusive jurisdiction of Japan, and presumably the policing would be by the Japanese.

Senator BORAH. Then to all intents and purposes—that is, as a practical proposition—the Chinese would be excluded entirely from that territory?

Prof. WILLIAMS. No. Originally that was the meaning of these concessions. When they first opened up five ports for foreign residents they did not allow the Chinese to reside in the concessions; but during the Taiping rebellion there was such disorder in those settlements that the Chinese were allowed to crowd into those concessions for protection, and since that they have lived in the foreign concessions, under foreign control, and they can go in there.

Senator BORAH. In some of these concessions under the jurisdiction of foreign Governments, have you not heard of places where there are signs in the parks, "Chinese and dogs not admitted here"?

Prof. WILLIAMS. Yes; that used to be a sign in the park at Shanghai.

Senator MCCUMBER. The concession will be the same, you understand, as is granted to these other great nations?

Prof. WILLIAMS. Yes, except that it specifies particularly that it is under the exclusive jurisdiction of Japan.

Senator MCCUMBER. Yes, I understand; and the same as Great Britain and France have exclusive jurisdiction over certain territory within the confines of their concessions.

Prof. WILLIAMS. In these concessions, as a rule, the foreign residents have a vote if they pay a certain amount of tax, whether they are citizens of the nationality owning the concession or not. They have votes in the election of the council.

Senator WILLIAMS. Senator, are you through?

Senator MCCUMBER. Yes.

Senator WILLIAMS. Going back to the question I was interrogating you upon when I quit, was this Tsingtao-Tsinanfu Railway built with money out of the German treasury, or was it built with German capitalists' money?

Prof. WILLIAMS. It is supposed to have been built with money subscribed by German capitalists and Chinese capitalists.

Senator WILLIAMS. It was, then, built by the joint capital of both countries?

Prof. WILLIAMS. Yes; but there is very little Chinese capital in it.

Senator WILLIAMS. That is what I thought.

Prof. WILLIAMS. Yes.

Senator WILLIAMS. So that this railway owes its existence to the men who put up the money and paid for it?

Prof. WILLIAMS. Yes.

Senator WILLIAMS. That being the case, independent of the question as to who should guarantee them their property rights, or who should secure them finally, somebody ought to do so, do you not think so?

Prof. WILLIAMS. Do you mean to guarantee their interest?

Senator WILLIAMS. Yes; their capital property rights to the railways built with their own money.

Prof. WILLIAMS. No doubt that will be adjusted in the end, and they will recover.

Senator WILLIAMS. I just wanted to get into the record the idea that under any aspect of it, either yours or mine or that of anybody else, ought these people who put up the money to build the railroad to be robbed of their money?

Prof. WILLIAMS. Certainly not.

Senator MCCUMBER. Then, Dr. Williams, it is your belief that Japan will carry out the provisions in the treaty and notes with China?

Prof. WILLIAMS. Yes.

Senator MCCUMBER. In other words, that Japan will retransfer the whole of Kiaochow Bay to China, to be opened as a commercial port? You think that will be done?

Prof. WILLIAMS. Yes; reserving, of course, her own settlements—her own concessions.

Senator MCCUMBER. Yes; but I am speaking of that part of it.

Prof. WILLIAMS. Yes.

Senator MCCUMBER. The only thing, then, that will be left which you think is not just to China is that Japan will ask for this concession, and insist upon this concession of a few square miles for a place of residence for her citizens, the same as has been granted to the other great nations of Europe?

Prof. WILLIAMS. Quite so.

Senator BORAH. Who says it will be a few square miles? How do you know it will be a few square miles?

Prof. WILLIAMS. Well, the whole leased territory is not very large, and this concession is to be at some point within the leased territory, so that it can not be very large.

Senator BORAH. It may be all there is of it, may it not?

Prof. WILLIAMS. It will undoubtedly be all the port of Kiaochow, because as you see the Treaty transfers all the public property there to Japan, and most of it is public property.

Senator MCCUMBER. Will it be any greater than that which other countries hold there?

Prof. WILLIAMS. Hold at other ports?

Senator MCCUMBER. Yes.

Prof. WILLIAMS. No.

Senator JOHNSON of California. Other countries do not hold any concession at Kiaochow, do they?

Prof. WILLIAMS. Not at Kiaochow, but in other parts of China.

Senator MCCUMBER. But they hold them at other ports.

Senator JOHNSON of California. You said, "there."

Senator MCCUMBER. When I said "there" I meant in China.

Senator MOSES. There is no question in the Chinese mind as to the point to be selected by the Japanese, is there?

Prof. WILLIAMS. No doubt at all.

Senator MOSES. Have not the Japanese already begun buying up additional property near the town of Tsingtao?

Prof. WILLIAMS. Yes; they have expropriated a large piece of property back of the town clear across the peninsula. Although the peasants were unwilling to sell, they compelled them to dispose of the property to them.

Senator WILLIAMS. How far does that run back?

Prof. WILLIAMS. I do not know. Not very far.

Senator MOSES. And it is at that point, is it not, that all the wharves and public property and the cable landing are?

Prof. WILLIAMS. They are in Tsingtao, yes; and the railway terminal is there also.

Senator MOSES. All that property is transferred by the terms of the treaty from Germany to Japan without charges, is it not?

Prof. WILLIAMS. Yes, without charges.

Senator MOSES. Including certain specified cables?

Prof. WILLIAMS. Yes.

Senator MOSES. And in that respect that property is segregated under the terms of the treaty from all other German property, is it not?

Prof. WILLIAMS. Yes.

Senator MOSES. All other German property by the terms of the treaty is put into a pool for the benefit of the allied powers.

Prof. WILLIAMS. That is so.

Senator MOSES. While these specified properties are taken out and delivered directly to Japan without charges of any character?

Prof. WILLIAMS. Yes.

Senator MOSES. There was a cable commission in the organization of the peace conference, was there not?

Prof. WILLIAMS. Yes; there was.

Senator MOSES. Did that cable commission recommend the segregation of these particular cable properties?

Prof. WILLIAMS. Not that I know of. I understood that all cables were to go into a pool.

Senator MOSES. Do you know the reason why these cables were excepted?

Prof. WILLIAMS. None except that Japan wanted them.

Senator MOSES. Was Japan insistent upon that point?

Prof. WILLIAMS. That I do not know.

Senator MOSES. You spoke, Doctor, of a meeting of the conference held on January 28.

Prof. WILLIAMS. Yes.

Senator MOSES. At which you stated also that the general subject of consideration was the disposition of the German colonies.

Prof. WILLIAMS. That was on the 27th.

Senator MOSES. Specifying particularly the islands north of the Equator and the German possessions?

Prof. WILLIAMS. Yes.

Senator MOSES. Was it then made known that prior arrangements had been entered into for the disposition of those properties?

Prof. WILLIAMS. I should have said the islands of the Pacific, not simply those north of the Equator.

Senator MOSES. Was it stated at that meeting of the conference that prior arrangements had been definitely made?

Prof. WILLIAMS. No; I do not think it was stated in the conference. I do not recollect hearing it there, but I had heard of it before that.

Senator MOSES. That was the fact, however.

Prof. WILLIAMS. Yes.

Senator MOSES. There was also a provision with respect to direct negotiations between Germany and Japan in the disposition of the Kiaochow property, was there not?

Prof. WILLIAMS. Yes.

Senator MOSES. Were any such direct negotiations ever had, to your knowledge?

Prof. WILLIAMS. Not to my knowledge.

Senator MOSES. Were any negotiations ever had except such as were had by the council of four?

Prof. WILLIAMS. I do not understand the question.

Senator MOSES. In other words, the council of four having reached a determination of what should be done with those properties, notified Germany of their decision, did they not?

Prof. WILLIAMS. I do not think so, except that Germany was notified when she received the treaty.

Senator MOSES. I mean when she received the treaty.

Prof. WILLIAMS. Yes; that is correct.

Senator MOSES. Did you ever see the letter lodged with the President by certain members of the American peace commission with reference to the Shantung matter?

Prof. WILLIAMS. Yes.

Senator MOSES. Are you familiar with its contents?

Prof. WILLIAMS. I could not quote it. I only know in a general way that it was advising against the transfer of these German rights directly to Japan.

Senator MOSES. Did they suggest an alternative?

Prof. WILLIAMS. I do not remember that they did.

Senator MOSES. Was the protest emphatic?

Prof. WILLIAMS. Yes.

Senator MOSES. Upon what ground?

Prof. WILLIAMS. I should hardly call it a protest. It was an argument against the proposed disposition of those properties. I can not recall the argument now.

Senator MOSES. Was it an argument of some length?

Prof. WILLIAMS. Yes; it was I should think about three pages of typewriting.

Senator MOSES. Was the communication wholly argumentative in its tone?

Prof. WILLIAMS. Yes.

Senator MOSES. The President told us the other day that it was not an argument, that it was an assertion.

Prof. WILLIAMS. Well, that might be a difference of opinion. It seemed to me to be an argument.

Senator JOHNSON of California. Substantially what was it, Doctor?

Prof. WILLIAMS. I can not recall it, Senator.

Senator JOHNSON of California. Who were the signatories to it?

Prof. WILLIAMS. Gen. Bliss.

Senator JOHNSON of California. Did you participate in the preparation of that particular document, argument, protest, or whatever you term it?

Prof. WILLIAMS. Well, Senator, Gen. Bliss asked me to come to his office one evening and he read me an outline of it and asked me what I thought of it, and I told him I thought it was very good, and he asked me if I had anything further to suggest, and I told him I would think it over; and in the morning I did suggest one item only.

Senator JOHNSON of California. What was that?

Prof. WILLIAMS. That was that we ought to explain to the council what was meant by the restitution of the leased territory of Kiaochow.

What I meant was to call attention to the four conditions under which the restitution was to be made.

Senator JOHNSON of California. You mean you thought it ought to explain to the council that the restitution of Kiaochow did not mean the restitution of Shantung?

Prof. WILLIAMS. Not only that, but that it did not mean the entire restitution of the port to China, because Japan would retain practical control of the port by having its concession there.

Senator JOHNSON of California. Would she control the economic rights which she had in Shantung?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Therefore if she carried out her promise in full, and yet retained what you suggest she would retain, would she retain substantial control of Shantung Province?

Prof. WILLIAMS. Economic control, yes.

Senator JOHNSON of California. Economic control would be substantial control, would it not?

Prof. WILLIAMS. Well, of course the Chinese will be there in nominal political control.

Senator JOHNSON of California. In nominal political control?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Do I understand from your answer to Senator Moses that these particular portions of the treaty regarding German property are drafted in a fashion different from the other provisions of the treaty regarding the disposition of German property?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. That the property here disposed of, instead of being put in a pool for the Allied and Associated Governments, as in the disposition of other German properties, is given directly to Japan?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. Is that correct?

Prof. WILLIAMS. Yes; that is correct.

Senator MOSES. May I ask one question right there?

Senator JOHNSON of California. Certainly.

Senator MOSES. These provisions of the treaty relating to Shantung were drafted by the Japanese drafting committee, were they not?

Prof. WILLIAMS. I do not know.

Senator JOHNSON of California. Certainly our experts did not draft them, did they?

Prof. WILLIAMS. They did not.

Senator JOHNSON of California. Were they asked to draft them at any time?

Prof. WILLIAMS. Not this particular clause, but we did draft other clauses relating to German rights in China.

Senator JOHNSON of California. In your opinion, whatever shall transpire in future respecting this matter, in relation to the carrying out of the promises that have been given to China, Japan will have virtual economic control of Shantung in any event, will she not?

Prof. WILLIAMS. I think so.

Senator HITCHCOCK. Doctor, will you let me refer to two or three clauses in the treaty by which Japan cedes to China certain rights which she had theretofore enjoyed in China? I believe they begin at article 128.

Prof. WILLIAMS. You mean certain rights which Germany enjoyed?

Senator HITCHCOCK. Certain rights which Germany cedes to China. Can you give an outline of what those are?

Prof. WILLIAMS. Yes.

Senator MOSES. May I ask relative to the value of those concessions as compared with the concession made in Shantung?

Senator HITCHCOCK. Let the doctor state it in his own way. I am trying to get at how China benefits by that.

Prof. WILLIAMS. Article 128 of the treaty reads as follows:

Germany renounces in favor of China all benefits and privileges resulting from the provisions of the final protocol signed at Peking on September 7, 1901, and from all annexes, notes, and documents supplementary thereto.

That refers to the German share of the Boxer indemnity and the right to maintain legation guards in Peking and along the railway between Peking and the sea, and a share of certain territories in the city of Peking which were set aside for legation purposes.

Senator MCCUMBER. That is one thing that China gets that Japan does not secure?

Prof. WILLIAMS. Oh, Japan does not get that, of course.

Senator KNOX. Japan still has her own share in the Boxer indemnity?

Prof. WILLIAMS. Yes.

Senator MOSES. And she still has her own compound in Peking?

Prof. WILLIAMS. Yes.

Senator HITCHCOCK. Go on.

Prof. WILLIAMS. The last sentence in article 128 reads:

She likewise renounces in favor of China any claim to indemnities accruing thereunder subsequent to March 14, 1917.

That is, there will be no payment to Germany of any balance of the Boxer indemnity after March 4, 1917.

Senator HITCHCOCK. Can you state in a general way the benefits which China derives out of it?

Prof. WILLIAMS. Yes. I do not remember how much has been paid, but Germany's claim was about 90,000,000 taels, if I remember rightly, and on that there has been paid, of course, the interest and amortization for some 12 or 13 years. I presume there must be 50,000,000 or 60,000,000 taels still outstanding. I do not know.

Senator JOHNSON of California. How much is a tael?

Senator WILLIAMS. There is that much due still from China?

Prof. WILLIAMS. I think so. I am only guessing, because I can not make the calculation in my own mind.

Senator JOHNSON of California. Do you know the value of the tael?

Prof. WILLIAMS. The tael at present is worth a little more than the gold dollar. Before the war it was worth about 70 cents gold.

Senator KNOX. What taels are those—haikwan taels?

Prof. WILLIAMS. Protocol taels, not haikwan taels. Before the war the value of the tael was from 60 cents to 70 cents somewhere.

Senator HITCHCOCK. Proceed with the next article.

Prof. WILLIAMS. Article 129 reads:

From the coming into force of the present treaty the high contracting parties shall apply, in so far as concerns them respectively:

(1) The arrangement of August 29, 1902, regarding the new Chinese customs tariff.

In 1902 there was a revision of the customs tariff, which was to bring it up to an effective 5 per cent ad valorem on the imports and exports.

Senator HITCHCOCK. Can you assess what that amounts to or give any impression of the benefit derived?

Prof. WILLIAMS. I do not understand why that was put in.

Senator HITCHCOCK. You will see immediately following it that Germany loses whatever advantage or privilege she had there, while the other nations retain it.

Prof. WILLIAMS. It says:

(2) The arrangement of September 27, 1905, regarding Whang-Poo, and the provisional supplementary arrangement of April 4, 1912.

Senator HITCHCOCK. Those were customs concessions to the nations of the world?

Prof. WILLIAMS. I have not finished the sentence:

China, however, will no longer be bound to grant to Germany the advantages or privileges which she allowed to Germany under these arrangements.

That is, Germany will not have the benefit of the most favored nation clause when it comes to paying duty on German goods going into China. China can make her own tariff arrangements. Germany can not have any share in the improvements of the Whangpoo River.

Senator HITCHCOCK. Then, article 130.

Prof. WILLIAMS. Article 130 reads:

Subject to the provisions of section 8 of this part, Germany cedes to China all the buildings, wharves, and pontoons, barracks, forts, arms and munitions of war, vessels of all kinds, wireless telegraphy installations, and other public property belonging to the German Government, which are situated or may be in the German concessions at Tientsin and Hankow or elsewhere in Chinese territory.

I do not think that the wharves and barracks belonging to Germany amount to a great deal, except that there are barracks in Peking for the accommodation of, say, 500 men, and possibly a similar barracks at Hankow.

Senator MOSES. The Peking barracks are for the legation guard?

Prof. WILLIAMS. Yes; the Peking barracks are for the legation guard, but Germany is not to have a legation guard there any longer, and the other public property belonging to the German Government at Tientsin and Hankow—I do not know how much that is, but I do not think it is very much.

Senator HITCHCOCK. Then article 131 speaks for itself?

Prof. WILLIAMS. Yes; under article 131 Germany undertakes to restore to China within 12 months from the coming into force of the treaty all the astronomical instruments which her troops carried away from China in 1900–1901.

Senator HITCHCOCK. And in article 132 Germany agrees to the abrogation of the leases from the Chinese Government under which the German concessions at Hankow and Tientsin are now held?

Prof. WILLIAMS. Yes. There are two German concessions in China, one at Tientsin, which is along the water front about a mile, I should think, in length, along the river and perhaps three-quarters of a mile in depth; I could not say exactly. At Hankow there is also a rather large concession. These are returned to China.

Senator HITCHCOCK. Is there any considerable value to these concessions?

Prof. WILLIAMS. Yes, they are valuable. Of course the property in them is mostly private property, but it will no longer be controlled by a German municipality. They will be under the Chinese municipal control and policing.

Senator HITCHCOCK. China recovers her whole sovereign rights in these concessions?

Prof. WILLIAMS. Yes.

The CHAIRMAN. This abrogation of Germany's right to the most favored nation treatment in the tariff would only benefit Germany's rivals in trade?

Prof. WILLIAMS. Yes; quite so.

The CHAIRMAN. In the Chinese trade?

Prof. WILLIAMS. Yes.

Senator BRANDEGEE. Professor, may I ask you a question?

Prof. WILLIAMS. Certainly.

Senator BRANDEGEE. You were advisor to the American commission?

Prof. WILLIAMS. Yes.

Senator BRANDEGEE. Did I understand you to say that you attended the meetings of the plenary council?

Prof. WILLIAMS. No.

Senator BRANDEGEE. When you attended meetings of the American commission you heard all that was said, did you not?

Prof. WILLIAMS. I did not attend any of the meetings of the American commission. I only attended five meetings of the council of ten and one meeting of the council of five.

Senator BRANDEGEE. On those occasions were you where you could hear all that went on?

Prof. WILLIAMS. Oh, yes, I could hear everything that went on.

Senator BRANDEGEE. If you had been a member of the American Commission, would you have voted to transfer Shantung to Japan?

Prof. WILLIAMS. No.

Senator BRANDEGEE. What do you think would have been the result if we had refused to vote in favor of transferring Shantung to Japan?

Prof. WILLIAMS. Well, of course it is very difficult to say what would have happened. The Japanese delegation in Paris probably would not have signed the treaty, and Great Britain and France felt that they were bound to support Japan's claim. It would have been an impassé. What would have happened I can not say.

Senator BRANDEGEE. But what I want to get light upon is this: Although you think the result might have been an impassé, still you would not have voted to give Shantung to Japan?

Prof. WILLIAMS. No.

Senator BRANDEGEE. Do you think more damage would be done by giving Shantung to Japan than would have resulted if Japan had declined to sign the treaty?

Prof. WILLIAMS. Yes.

Senator MCCUMBER. What do I understand you to mean by "returning Shantung to Japan?"

Prof. WILLIAMS. I should not have said Shantung. I should have said the leased territory of Kiaochow.

Senator MCCUMBER. The Senator spoke of returning Shantung. Of course, all there is in Shantung is simply the right to the railway, is it not?

Prof. WILLIAMS. The rights to the railways, mines, and the option on all public works requiring foreign capital and skill.

Senator BRANDEGEE. I simply wanted to say, Professor, for your information and for the information of Senator McCumber as well, that when I spoke of transferring Shantung, I merely used a brief expression to indicate what was transferred.

Prof. WILLIAMS. That is the way I took it.

Senator WILLIAMS. Brief and comprehensive.

Prof. WILLIAMS. Yes.

Senator MCCUMBER. In article 132 it says:

China, restored to the full exercise of her sovereign rights in the above areas, declares her intention of opening them to international residence and trade.

So that under article 132 China also grants to all of the countries the right to obtain concessions at that point, does she not?

Prof. WILLIAMS. No.

Senator MCCUMBER. That is, places for international trade. Is not that included in the concession?

Prof. WILLIAMS. It means that those places will not be closed, as most Chinese cities and ports are, but that although they are taken over by China they remain open for foreign residence and trade.

Senator MCCUMBER. That foreigners may live there?

Prof. WILLIAMS. That foreigners may live there.

Senator MCCUMBER. And own property there?

Prof. WILLIAMS. Yes.

Senator MCCUMBER. The same as Japan might have a concession and own property——

Prof. WILLIAMS. No; it is quite different.

Senator MCCUMBER. In Kiaochow Bay?

Prof. WILLIAMS. No; it is different from that. These concessions which have heretofore been administered by Germany in Hankow and Tientsin will now be administered by a Chinese municipality, but, unlike other Chinese cities, they will be open for the residence of Americans or Europeans.

Senator MCCUMBER. But it will be opened for trade?

Prof. WILLIAMS. Yes; opened for trade.

Senator MCCUMBER. It will have the same commercial rights here as Japan would obtain in Kiaochow Bay?

Prof. WILLIAMS. The same right to trade, but not the same control of the district.

Senator HARDING. Doctor, are you in any way familiar with the reaction in China as the result of this transfer of German rights to Japan?

Prof. WILLIAMS. I remember reading the telegrams, of course, that came immediately after the treaty was read before the plenary council on the 6th of May. Of course I was not present; but I was told by the Chinese that they made certain reservations protesting against the proposed transfer of these German rights at Kiaochow to Japan; but when the conference met the next day with the Germans to have the treaty signed the Chinese refused to sign. Immediately in Peking there was a great uproar, and a mob composed of several thousand students tried to march into the legation quarter to appeal to the American minister and the British minister, but they were not allowed to enter the quarter, and they went to the home of Tsao Ju-lin, who was the minister of communications, and burned his

house and beat him up, and also met the Chinese minister to Japan, who had signed the conventions of last September, and injured him very seriously. Then, shortly after that, there began throughout China an economic war, a boycott of Japanese trade.

Senator HARDING. I want to ask particularly about that. What do you know about the character and the extent of the Chinese economic boycott?

Prof. WILLIAMS. It is a very serious one if it lasts. We had some experience in 1904 when they boycotted us over the exclusion treaty, do you remember?

Senator HARDING. Inasmuch as the impelling purpose of this treaty is the promotion of permanent peace of the world, do you regard the situation in China as a menace to that peace?

Prof. WILLIAMS. Yes; I think it is a menace to peace. I think that so long as the question remains as it is there will be occasion for strife between the Japanese and the Chinese, and outbreaks like that which occurred a few days ago in Chang Chun in Manchuria, where a number of Chinese and Japanese were killed.

Senator HARDING. What likelihood is there in such development of our involvement?

Prof. WILLIAMS. There is no occasion for our being involved unless there should be an attack upon the territorial integrity of either power by some outside power. I suppose we would be involved in that case, under the league of nations, provided there is such a league of nations established, but I do not think that we would be involved otherwise.

Senator MOSES. Suppose there should be a general antiforeign movement in China and some of our nationals should be killed or their property destroyed?

Prof. WILLIAMS. Such antiforeign movements are very unlikely. The treatment of Europeans and Americans in China in the last 10 years has been above reproach, and they have been very careful not to attack foreigners.

Senator HARDING. Going back for a moment to the economic boycott, is it likely to extend to those who are parties to this treaty because they ignore Chinese rights?

Prof. WILLIAMS. There has been talk of that, but my experience with the boycott in China is that after a certain number of months the people get tired of it and the thing peters out.

Senator HARDING. You think, then, that that is only a temporary expression of Chinese resentment?

Prof. WILLIAMS. Yes. Of course, it may be more serious than I think, because China, of course, has undergone a great change in the last few years. Since the republic has been established there is much more interest being taken in public affairs by the people generally than before, and it may result in something much more serious than I think.

Senator MCCUMBER. One question, on another subject, I want to get the sentiment of the Chinese people with reference to our exclusion law. Is there a feeling of resentment or enmity on account of that?

Prof. WILLIAMS. Almost none at all. There has been, in the past, in the Province of Kwangtung, from which most of the Chinese laborers have come to the United States, but elsewhere there is no interest in it.

Senator McCUMBER. At the time of the passage of the act, there was considerable opposition to it?

Prof. WILLIAMS. Yes.

Senator McCUMBER. And ill-feeling?

Prof. WILLIAMS. Yes.

Senator McCUMBER. But you think that has gradually worn away?

Prof. WILLIAMS. Yes. I think that the people generally in China are very friendly in their feeling toward the United States, because they are trying to establish a republic and they feel that we are a sort of model for them.

Senator WILLIAMS. Prof. Williams, can you make any offhand approximate estimate of the value of the general concessions at Kiaochow and Shantung which were demanded of China, under this treaty?

Prof. WILLIAMS. You mean the value of the real estate there?

Senator WILLIAMS. The value of the property of every description.

Prof. WILLIAMS. No; I could not give that.

Senator WILLIAMS. The value mainly consists of a return of political jurisdiction.

Prof. WILLIAMS. That is right.

Senator WILLIAMS. Do you know what the value is of the German ships which were seized in Chinese waters?

Prof. WILLIAMS. No; they seized six or eight German and several Austrian vessels, but I do not remember what the values are.

Senator WILLIAMS. You do not know that?

Prof. WILLIAMS. No.

Senator WILLIAMS. You think that the balance due on the Boxer fund, due to Germany, which is released to China, comes to about $60,000,000?

Prof. WILLIAMS. That is simply a guess.

Senator WILLIAMS. I understand that is only an approximate estimate, as well as you can make it offhand.

Prof. WILLIAMS. Yes.

Senator WILLIAMS. I notice the phrase here, "international residence." I suppose that means a place of residence of nationals of all the various parties to the treaty. It uses the phrase, "international residence."

Prof. WILLIAMS. That means that any foreigners who come to China may reside there.

Senator WILLIAMS. Yes. It is a rather peculiar phrase—"international residence." I suppose of course that is what it means.

Senator MOSES. Do you regard, Dr. Williams, that these provisions in article 128, were inserted as a quid pro quo for the cession of the Shantung Province to Japan?

Prof. WILLIAMS. No.

Senator MOSES. They were merely settlements growing out of the war, were they not?

Prof. WILLIAMS. Yes.

Senator MOSES. There was no other country to which these proposed concessions could be returned except China, was there?

Prof. WILLIAMS. No; and in the early draft of the clause we included all German property in China.

Senator MOSES. Including Kiaochow?

Prof. WILLIAMS. Yes.

Senator MOSES. When you say "we," whom do you mean?

Prof. WILLIAMS. The American experts.

Senator MOSES. And at the instance of Japan, Kiaochow was segregated from the others?

Prof. WILLIAMS. Yes.

The CHAIRMAN. Are there any further questions?

Senator JOHNSON of California. Before you conclude let me ask what were your particular duties as expert at Paris?

Prof. WILLIAMS. My duties were of two sorts. As an expert on far eastern affairs, I prepared memoranda for the American commission on any question that they might refer to us or on questions that came up in the correspondence with the commission. And secondly, I was there largely as a chief of the far eastern section of the Secretary of State, because a great deal of correspondence that came to the Department of State here with regard to the Far East was referred to Secretary Lansing in Paris, and all that correspondence had to pass through my hands, and I would bring the matter to his attention and draft replies and consult with him about the disposition of these questions. They were entirely independent of the commission.

Senator JOHNSON of California. You were to advise as to what disposition should be made of various matters in the Far East?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. And the most important matter that came to you was the Shantung matter?

Prof. WILLIAMS. Quite so.

Senator JOHNSON of California. And on that your advice was not taken?

Prof. WILLIAMS. Quite so.

Senator JOHNSON of California. Was there any other matter of any consequence there upon which your advice was asked?

Prof. WILLIAMS. Oh, yes; with regard to the settlement of the opium question and with regard to the disposition of German properties elsewhere, outside of Shantung.

Senator JOHNSON of California. Do you mean the islands of the Pacific?

Prof. WILLIAMS. The islands of the Pacific also.

Senator JOHNSON of California. They were divided in accordance with a secret treaty, were they not?

Prof. WILLIAMS. Yes.

Senator JOHNSON of California. So far as your duties were concerned, they were superseded by the treaties that had been made prior to the peace conference?

Prof. WILLIAMS. Not entirely, but practically so.

Senator WILLIAMS. With regard to the islands?

Senator JOHNSON of California. Not only the islands but Shantung.

Senator WILLIAMS. Kiaochow.

Prof. WILLIAMS. But it is Shantung, Senator.

Senator WILLIAMS. It is a comprehensive term.

Senator JOHNSON of California. The treaty says "Shantung," too.

So far as the settlement of the Far East was concerned, on which you were the adviser and expert, the settlements were made substantially in accordance with secret treaties that had been made during the progress of the war, and before our entrance into the war.

Prof. WILLIAMS. Yes; quite so. The islands south of the Equator were not ceded to Japan, but she has been made mandatory.

Senator JOHNSON of California. Which gives her control over the islands?

Prof. WILLIAMS. Quite so.

Senator MOSES. You say she has been made mandatory?

Prof. WILLIAMS. Yes.

Senator MOSES. I have been informed somewhere that no mandatories have yet been issued.

Prof. WILLIAMS. I am subject to correction, but I read a statement in the Paris papers in April that Japan was made mandatory temporarily.

Senator JOHNSON of California. The statement has been made that Britain has those north of the Equator and Japan those south of the Equator.

The CHAIRMAN. That is stated in the dispatch of the British ambassador at Tokyo.

Senator WILLIAMS. The Senator is technically wrong. Since then it has been turned over to Australia and New Zealand.

Prof. WILLIAMS. You are right.

Senator BRANDEGEE. May I ask you a question? Have you any knowledge to what extent the opium traffic has increased, if it has increased at all, since Japan has had the Shantung concession?

Prof. WILLIAMS. According to the statement of the Chinese who were at the peace conference, it increased tremendously during the three or four years of Japanese occupation of Tsingtao. I have a statement made by Liang Chi Chao, if you would care to hear it.

Senator BRANDEGEE. I would like to have it put into the record. Is he a competent authority?

Prof. WILLIAMS. He is the greatest living Chinese scholar, and he was one of the men, in 1898, who was condemned to death but escaped to Japan, where he has many friends.

The CHAIRMAN. You can put that in the record.

(The statement referred to is here printed in full, as follows:)

Contraband opium and morphia became common articles; it has been estimated that no less than 12 tons of morphia and 65 tons of opium were smuggled into Shantung in 1918 alone.

The CHAIRMAN. If there are no further questions, you can be excused, Prof. Williams.

Mr. Millard desires that a three-page memorandum that he has submitted modifying his testimony may be printed as part of his testimony. If there is no objection, that will be done.

(Mr. Millard's memorandum is here printed in full, as follows:)

MEMORANDUM BY THOMAS F. MILLARD, SUBMITTED AUGUST 20, 1919.

"REGIONAL UNDERSTANDINGS" AND THE SHANTUNG DECISION.

Definition of regional understandings.—Article 21 of the proposed covenant of the league of nations validates "regional understandings like the Monroe doctrine" which are in existence at the time the league is organized, and other such understandings made later that are approved by the league.

Another article of the covenant provides that all members of the league must inform all the other members of any and all treaties, agreements, pacts, alliances, and regional understandings (or the article is presumed to have that meaning) that exist among members of the league, or between members of the league and nations not members of the league.

A reading of the various articles of the covenant bearing on this phase of international relations under the league indicates that members of the league will have until a time after the formal organization of the league to make and to declare whatever regional understandings they have, and that such regional understandings thus formally declared to the league within that time shall be recognized as valid.

A point has been advanced that only regional understandings which properly are "like the Monroe doctrine" will be made valid by article 21 of the covenant.

Conditions affecting interpretation of article 21.—Only the Monroe doctrine is mentioned by name in article 21 as being a valid regional understanding under the terms of the covenant. But the language of the article expressly indicates that it is the purpose of the article to validate regional understandings other than the Monroe doctrine.

It may be that subsequent to the organization of a league a question may be raised upon the presentation of some regional understanding, as to whether it is "like the Monroe doctrine." If a difference of view develops on that point, it would be a question to be decided by the governing body of the league. The decision of the question in each particular case would depend on the alignment of votes in the governing body of the league.

For the purpose of the argument, let us assume, for instance, that after the American Government signs the treaty of peace and the covenant and an Anglo-French-American alliance in the present form of those treaties, the league is formally notified of a regional understanding covering Asia entered into mutually by the British, French, and Japanese Governments.

Let us further assume that that regional understanding would be regarded by the American Government as not "like the Monroe doctrine," but, on the contrary, as being subversive of the principles of the Monroe doctrine, and as destructive of that counterpart of the Monroe doctrine in Asia, the Hay doctrine. In that case, the American Government probably would enter objection to such an arrangement as being not in conformity with article 21.

In such a case, it is probable that the British and French and Japanese Governments would take an opposite view of the meaning of article 21, whereupon the issue would depend on a vote of the governing body of the league.

The constitution of the governing body of the league is such that it would be almost certain that the American Government would be outvoted on such an issue.

If it was held (and accepted) that the four powers directly involved in the dispute should be excluded from voting on the decision of it, and they were excluded, and the decision was left to the remaining members of the governing body, it also is practically certain that the American Government would be outvoted, for these reasons:

(*a*) There are known to exist more than twenty regional understandings about Asia, involving all the great powers except the United States. Also, it is suspected that several other regional understandings exist whose texts never have been disclosed.

(*b*) Outside of Asia, there are many known and probably also many secret regional understandings in existence, involving all of the great powers except the United States, and also involving a majority of the lesser nations that are expected to be members of the league.

(*c*) That condition establishes a situation whereby almost all the members of the league except the United States have regional understandings which they may desire to make valid under the league. In that situation it is highly probable, and it certainly is possible, that the members having regional understandings which they want to sustain will combine to define article 21 as meaning to include regional understandings of whatever character that were made before the formal organization of the league.

The application to China and the Hay doctrine.—Even since the Paris conference met, there have been several distinct intimations of the purpose of some of the principal powers to advance certain regional understandings about China as the basis for international action regarding China.

In connection with the newly formed international (four-power) financial group to operate in China, it already is reported that the Japanese Government will insist that Manchuria and Shantung will be excepted from the operations of the group, Japan reserving those regions for her exclusive economic exploitation.

If the Japanese Government has developed, or subsequently does develop this attitude, it can be taken for certain that the British, French, and other Governments which have regional understandings about China based on the "sphere of influence" thesis will insist in maintaining their exclusive rights under those regional understandings.

That would array three of the four members of the new financial group in opposition to the American member of the group, and, since the United States has no "sphere"

or any regional understanding regarding China or Asia, giving it any special privileges in any region, such a situation will be tantamount to excluding America, and will defeat the announced purposes and objects of the banking group.

Such a situation will effectively prevent any effort to relieve China of the "sphere" condition, and will fasten it upon her more strongly than before.

NOTE.—The statements of the President at his conference with the Senate Foreign Relations Committee on August 19 positively demonstrated how the existence of secret regional understandings can compel, or induce, the American Government to yield on important questions.

It, therefore, is possible that the American Government may find, after it has ratified the treaty, the covenant, and the proposed alliance, that new secret regional understandings may thereafter be consummated which can be made valid under the league.

P. S.—By this means, Japan may secure the "better means" to enforce her understanding of the Lansing-Ishii agreement, and of her promises to return Shantung.

The CHAIRMAN. The committee will stand adjourned until to-morrow at 11 o'clock, when it will meet in the committee room in the Capitol in executive session.

(Thereupon, at 12.05 o'clock p. m., the committee adjourned until to-morrow, Saturday, August 23, 1919, at 11 o'clock a. m.)

MONDAY, AUGUST 25, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to adjournment, at 10 o'clock a. m., in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), Borah, Brandegee, Knox, Harding, Johnson of California, New, Moses, Swanson, Pomerene, and Smith.

STATEMENT OF HON. JOSEPH W. FOLK.

The CHAIRMAN. Gov. Folk is here by appointment to bring to the attention of the committee the provisions in regard to Egypt.

Mr. FOLK. Mr. Chairman and gentlemen of the committee, I appear before you as the counsel for the commission appointed by the legislative assembly of Egypt to attend the peace conference at Paris.

A majority of the legislative assembly of Egypt is elected by the people of Egypt The commission was appointed by that assembly and is composed by Messrs. Zaghlul, Armand, and Alfifi. Mr. Zaghlul is the vice president of the legislative assembly, the highest elective office in Egypt. He was formerly minister of justice, and before that was minister of education for Egypt. He is easily the first citizen of Egypt, so recognized, so honored and respected both by Egyptians and by all other nationalities in Egypt.

The other members of the commission are men of learning and culture. That commission is in Paris to-day in virtual imprisonment. Through the influence of Great Britain they are not permitted to come to the United States. They were not permitted to send their representative to the United States. Great Britain does not seem to be anxious that the people of the United States should know the story of Egypt.

The CHAIRMAN. Governor, perhaps you are about to do it, but please tell us the origin of this legislative assembly.

Mr. FOLK. Yes. This legislative assembly was established upon the recommendation of Lord Kitchener in 1913. It is composed of 89 members, three-fourths elected by district electors, chosen by popular vote in proportion to the population. Twenty-two members are appointed. There are four copts, three Bedouins, two merchants, one pedagogue, and one municipal representative. It is a representative body, and actually represents the people of Egypt.

This commission, through the legislative assembly, speaks for the people of Egypt; and in speaking for this commission I may fairly say that I appear before you in behalf of the people of Egypt.

Senator MOSES. Is the legislative assembly an actively functioning body in connection with the government of Egypt?

Mr. FOLK. Yes; it is a part of the regular government of Egypt at this time.

The people of Egypt want a league of nations to protect their independence, not to destroy their independence. They ask that you do not deny them that self-determination which is guaranteed to the peoples of all nations in the covenant. They ask that in the name of self-determination you do not sanction the making of Egypt to be a pendant to Britain's red girdle of the globe.

Great Britain has a Government that is just when it has no selfish reason to be otherwise. In the case of Egypt it has a selfish reason to be otherwise, and it has been and is otherwise.

Egypt, as history tells us, was a part of the Turkish dominions until 1831. In that year war broke out between Egypt and Turkey. The Egyptian armies were victorious and Constantinople would have fallen, but the powers interfered for the purpose of maintaining the balance of power, and the Egyptian armies were denied the full fruits of their victories.

The CHAIRMAN. That was the movement under Mehemet Ali?

Mr. FOLK. Yes. Later, in the treaty of London, Egypt was given autonomy, practical independence, subject to a nominal Turkish sovereignty and subject to the payment of an annual tribute to Turkey of about $3,500,000.

I will sketch the subsequent occurrences hastily, and later on I will take them up more in detail.

In 1892 Great Britain occupied Egypt for the ostensible purpose of suppressing rebels and of collecting debts due to Europeans, arising out of the Suez Canal. She pledged to Egypt and the world that this occupation would be only temporary, but she continued to stay. Great Britain first entered Egypt upon the pretext of protecting the khedive against rebels among his people. She continued to stay upon the pretext of protecting the people against the tyranny of the khedive. So at the beginning of this war England was occupying Egypt in that way.

On December 18, 1914, Great Britain seized Egypt, took over the government of Egypt through the appointment of a sultan of Egypt by Great Britain, and now, contrary to the principles in the covenant of the proposed league of nations, Great Britain asks that Egypt be turned over to Great Britain without the consent of the Egyptians, as a subject and conquered nation.

The status of Egypt arose out of the war just ending, and in that respect—a very material respect—it differs from the status of many other subject countries. The status of Egypt can not be an internal question to Great Britain unless this treaty itself makes it so.

Now, Section VI, Article 147, provides:

> Germany declares that she recognizes the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the Capitulations in Egypt. This renunciation shall take effect as from August 4, 1914.

You of course are familiar with the capitulation. I shall not discuss it here. It merely provides regulations whereby foreigners in Egypt who commit crime or offend in any way are tried by their consular courts.

The CHAIRMAN. I do not want to interrupt your argument. Of course the committee knows all about the capitulations, but assume for the moment that we do not, and explain the provisions briefly, will you please?

Senator JOHNSON of California. Thank you, Mr. Chairman.

Mr. FOLK. Sidney Low, in his book "Egypt in Transition," on page 251, very clearly describes that in this way:

> Most people know roughly what the capitulations are, but it is only the resident in Egypt who is fully aware of the manner in which their—mostly baneful—influence is exercised. The capitulations are the treaties and conventions which give Europeans in the East the right of exemption from the local tribunals. * * * If a foreigner commits a crime he can not be arrested by the Egyptian police, nor may he be brought up before an Egyptian judge and tried by the Egyptian law. The police or the aggrieved party can only bring him before his own consular court. And before he can be punished it must be proved that he has committed an offense not only against the law of Egypt, but against the law of his own State, or, at any rate, against such local law as the consular authorities agree to recognize.

Now, I understand that Great Britain proposes to abolish the capitulation, but she proposes to abolish it by abolishing the independence of Egypt entirely.

It will be noted that this article in question merely purports to declare the position of Germany. The United States and the other parties to the treaty are not mentioned. But what would be the effect of an unqualified ratification of this article? Would it not have the effect of making the question of the status of Egypt an internal question to Great Britain and therefore beyond the jurisdiction of the council of the league of nations?

But is the holding and governing of Egypt without the consent of the Egyptians a protectorate in a legal sense? I say it is not. This occupation of Egypt up to 1882 was often spoken of by British diplomats as a veiled protectorate. This thing that England has now done to Egypt may be well characterized as a masked annexation.

A protectorate is a relation assumed toward a weak nation by a strong nation, whereby the weak nation is protected from hostile invasion or dictation. The situation in Egypt is that Great Britain has taken over the government in part. The flag of Great Britain is supreme in Egypt. Great Britain has appointed a sultan in Egypt to rule over Egypt. He represents, not the sovereignty of Egypt but the sovereignty of England. The Egyptians to-day are governed without their consent by Great Britain. Great Britain has assumed sovereignty over Egypt. This protectorate is the same character of protectorate that a highwayman would proclaim over your pocketbook when he should hold a pistol at your head and demand that you deliver over your valuables.

Senator BRANDEGEE. Will you allow me to ask you a question there, Governor?

Mr. FOLK. Yes.

Senator BRANDEGEE. If a nation is under a protectorate, can it make a treaty with a foreign power?

Mr. FOLK. Usually it can, but Egypt is not allowed to make any treaties with foreign powers. Great Britain has expressly required that all treaties and all dealings with foreign powers shall be through Great Britain.

Senator MOSES. Governor, may I interrupt you?

Mr. FOLK. Yes.

Senator MOSES. Are you intending at any time in the course of your argument to show the development of the power of the British?

Mr. FOLK. Yes.

Senator MOSES. Especially under the Cromer régime?

Mr. FOLK. Yes.

Senator BRANDEGEE. Do you desire to proceed without interruption at first?

Mr. FOLK. It is entirely agreeable to me to answer questions as I go along, or if you prefer, when I finish I will be glad to take up any discussion that you desire, but it does not discommode me at all to be asked questions.

A bank robber in a sense proclaims a protectorate over the funds of a bank. If that protectorate, so-called, be sanctioned, the act of the robber is sanctioned even though it be called by the soft name of protectorate rather than by the name of robbery. So if the so-called protectorate of Great Britain over Egypt be recognized and sanctioned, the act is sanctioned even though as a matter of fact it is not a protectorate, but a masked annexation.

The occupation of Egypt by British troops, as I have said, was until December 18, 1914, claimed by the British Government to be merely temporary. After the beginning of the World War, Great Britain seized Egypt and the proclamation seizing Egypt was published in the London Times of December 19, 1914, page 8, column 3. It reads:

> In view of the action of his Highness, Abbas Helmi Pasha, lately Khedive of Egypt, who has adhered to the King's enemies, His Majesty's Government has seen fit to depose him from the Khedivate, and that high dignity has been offered, with the title of Sultan of Egypt, to his Highness Prince Hussein Kamel Pasha, eldest living prince of the family of Mehemet Ali, and has been accepted by him.
>
> The King has been pleased to approve the appointment of Prince Hussein to an honorary Knight Grand Cross of the Order of the Bath on the occasion of his accession to the Sultanate.

This seizure of Egypt by Great Britain is shown on the face of the proclamation to be a war measure. But how can a continuation of Britain's assumed sovereignty over Egypt be justified now that the war is over and the league of nations is to be established upon the principle of the right of self-determination in all nations?

Senator JOHNSON of California. What league of nations is that that you speak of?

Mr. FOLK. I am speaking of the covenant of the league of nations which is supposed to be based upon that ideal.

Senator JOHNSON of California. I think it is conceded now that it is not based upon any such ideal as that.

Mr. FOLK. Of course, there are two viewpoints. I am assuming that it is. That is the theory on which the league of nations proposes the right of self-determination of all people, and that government everywhere must be based upon the consent of the governed.

The Manchester Guardian, in the issue of December 14, 1914, commenting on the seizure of Egypt, said that the action taken by Great Britain with respect to Egypt was tantamount to annexation, and did not differ in any essential point from the assumption of complete sovereignty. The facts show this statement to be true.

The London Times, in the issue of December 19, 1914, has large headline, saying "Egypt Under the British Flag—Abbas Hilmi

deposed—Appointment of a Sultan." But the Times in an editorial in the same issue, with characteristic British diplomacy, naively said:

> All that is desired now is to defend Egypt against attack, and to keep the internal administration running smoothly. Other questions can wait until peace is restored as Lord Cromer implies in the letter which we publish to-day. It is purely a practical administrative step, dictated by the appearance of Turkey as a belligerent.

The truth is that under the guise of a protectorate Great Britain seized Egypt and swept away every vestige of Egyptian freedom or independence. But the people of Egypt did not realize at that time the full meaning of this action on the part of Great Britain. They were told that this was a step towards their independence. They were practically promised independence. His Majesty King George in a letter to the Sultan, whom he had appointed to rule over Egypt, which letter was widely published throughout Egypt and was published in the London Times of date December 21, 1914, which I have here, said:

> I feel convinced that you will be able, with the cooperation of your ministers and the protectorate of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt.

Of course the Bitish idea, the idea of the British Government, of independence evidently is to be independent of all other governments except the British Government, but the Egyptian people accepted that word as we have always accepted it. The word "independence" was a word to conjure with with the Egyptians. To them the word was as sacred and is as sacred as it was to our forefathers who fought and struggled for independence from the very power that is now seeking to destroy the independence of Egypt.

Senator KNOX. Governor, what is the population of Egypt?

Mr. FOLK. 13,000,000.

Senator KNOX. How many are Egyptians?

Mr. FOLK. About 10,000,000.

Senator JOHNSON of California. What races are the others?

Mr. FOLK. The races are English, American, Syrian, etc.

Senator JOHNSON of California. A great many British?

Mr. FOLK. A great many British. Of course the seizure of Egypt being announced to be temporarily, as a war measure, it was assumed by the Egyptians to be such. The Egyptian troops fought on the side of the Allies to make, as they believed, the world safe for democracy, and for the right of national self-determination in all people.

The CHAIRMAN. They were loyal to Great Britain and the Allies?

Mr. FOLK. They were loyal. More than a million strong they fought on the eastern front, and Gen. Allenby, not long ago, in a speech to the Y. M. C. A. at some point in Egypt said that the Egyptian troops were responsible for the allied successes in Palestine and Assyria. When it came to making the terms of peace and the formation of a league of nations, the Egyptian people naturally concluded, since under the league of nations they would be protected and preserved from external aggression, that the protectorate of Great Britain, the alleged purpose of which was to preserve them from external aggression, would be removed. But they were doomed to disappointment. England not only refused to give up Egypt, but England asked the United States and the other nations to indorse and sanction and to glorify the wrongs that she has done and is doing to Egypt.

If there should be a league of nations, to give the nations some remedy, other than war, to settle their disputes and to preserve the right of self-determination in small nations, and to prevent one nation from bleeding another, by what process of reasoning can it be assumed that in the very treaty creating a league of nations for the purposes indicated, there should be a clause recognizing the British holding of them, which is utterly inconsistent with the principles of the league of nations, and is based upon the doctrine of military might not upon the principles of justice and right.

Egypt is a country of immense wealth. She contains more than 350,000 square miles and a population of something like 13,000,000. She has millions of acres of agricultural lands. The valley of the Nile is greater in value per acre and in producing power than the richest farming lands in Illinois or Missouri or Iowa. By the seizure, then, Great Britain has added to her enormous acquisitions an area of 350,000 square miles and 13,000,000 souls.

From her geographical position, Egypt has attracted the attention of the colonizing powers more perhaps than any other country in the world. Lying beneath South Africa and the Mediterranean, as between also the eastern and western worlds, Egypt is not only the key to England's position in her vast project of colonization, but she is moreover an important factor internationally in the affairs of practically every European, Asiatic, and indeed American country. The eyes of the covetous rulers of earth have always been upon Egypt, and for illustration we need go no further back in history than Cæsar and then come up to Napoleon and then to Great Britain.

In 1798 the French under Napoleon invaded Egypt. In 1801 the French were expelled from Egypt by the Egyptian troops, aided by the Turks, and aided also at that time by Great Britain. In 1807 Great Britain herself invaded Egypt and attempted to conquer the country, but the British troops were ejected by the Egyptian army. Egypt continued to be a nominal Turkish province until 1831, when in the war between Turkey and Egypt, Egypt being victorious, there was a settlement brought about by the powers in order to preserve in the balance of power whereby Egypt was given its autonomy and practical independence, subject to the nominal sovereignty of Turkey, and subject to the payment of the tribute that I have mentioned.

The title of the ruler of Egypt meant sovereign or king, without qualification. The government of Egypt could maintain an army, contract loans and make new political conventions with foreign powers.

Things continued to run smoothly until the time of the Khedive Ismail in 1863 to 1879. He was an extravagant promoter by nature and was surrounded by European usurers who were ready to lend him money at ruinous interest. In seven years Ismail raised the debt in Egypt from something like 3,000,000 pounds to 94,000,000 odd pounds. This debt was largely contracted through the construction of the Suez Canal. This canal was begun under French auspices, but Great Britain later secured control of it. The French had perusaded Ismail to grant a concession for the building of the Suez Canal. This canal was not to cost Egypt one cent, and Egypt was to get 15 per cent of the revenues. But the French interests could not finance the undertaking and finally they went to Ismail and persuaded him to put

up about $5,000,000 to finance it and then persuaded Ismail to subscribe for $85,000,000 of the stock. Now Ismail had no money, so he gave his due bills, and these due bills were discounted in London at about 50 cents on the dollar, and these due bills constituted the beginnings of the troubles that Egypt has had. Later the stock of Ismail for which the due bills were given was bought by Great Britain for $20,000,000 through Disraeli, and through the purchase of this stock for $20,000,000 Great Britain secured a voting control of the Suez Canal Corporation, and that is how she secured control of the Suez Canal; and as I will show a little later, the fact of the Suez Canal being there, and the fact of Egypt being the entrance and the highway to India, is the reason why Great Britain refused to get out of Egypt and why Great Britain intends to stay in Egypt under any and all circumstances.

The debt owing to Europeans growing out of the construction of the Suez Canal offered an opportunity or excuse for the interference by England and other nations in the affairs of Egypt, whereby there was a supervision of the revenues by the agents of Great Britain for the ostensible purpose of collecting the debts contracted by Ismail. Great Britain attempted not only financial control but political control as well. Originally there was what was known as dual control, control by France and Great Britain, but France afterwards withdrew.

In September, 1881, a revolution broke out in Cairo which had for its chief object the emancipation of Egypt from European influences.

In May, 1882, a British fleet appeared before Alexandria. In June, 1882, serious disturbances took place in Alexandria and a number of Europeans were killed.

On July 11 and 12, 1882, Alexandria was bombarded by the British fleet and British soldiers began to occupy Egypt. Great Britain solemnly pledged the world that this occupation would only be temporary. Some of these pledges are illustrated by these documents.

Lord Granville, who was Secretary of State for Foreign Affairs, on November 4, 1881 (to be found in Egypt No. 1 (1882), pp. 2 and 3), said:

> The policy of His Majesty's Government toward Egypt has no other aim than the prosperity of the country, and its full enjoyment of that liberty which it has obtained under successive firmans of the Sultan. * * * It can not be too clearly understood that England desires no partisan ministry in Egypt. In the opinions of His Majesty's Government a partisan ministry founded on the support of a foreign power, or upon the personal influence of a foreign diplomatic agent, is neither calculated to be of service to the country it administers, nor to that in whose interest it is supposed to be maintained.

In a protocol signed by the Ambassador to Turkey for Great Britain, Lord Dufferin, together with the representatives of five other great powers, on June 25, 1882 (to be found in Egypt No. 17 (1882), p. 33), it was provided:

> The Government represented by the undersigned engage themselves, in any arrangement which may be made in consequence of their concerted action for the regulation of the affairs of Egypt, not to seek any territorial advantage.

Sir Charles Dilke, who was under Secretary for Foreign Affairs in the House of Commons, on July 25, 1882, said:

It is the desire of His Majesty's Government, after relieving Egypt from military tyranny, to leave the people to manage their own affairs. * * * We believe that it is better for the interests of their country, as well as for the interests of Egypt, that Egypt should be governed by liberal institutions rather than by a despotic rule.

Mr. Gladstone, when he was Prime Minister, said in the House of Commons on August 10, 1882 (reading):

I can go so far as to answer the honorable gentleman when he asks me whether we contemplate an indefinite occupation of Egypt. Undoubtedly, of all things in the world, that is a thing which we are not going to do. It would be absolutely at variance with all the principles and views of Her Majesty's Government, and the pledges they have given to Europe and with the views, I may say, of Europe itself.

And again, Lord Dufferin, in a dispatch dated December 19, 1882, to be found in Egypt No. 2 (1883), page 30, stated:

In talking to the various persons who have made inquiries as to my views on the Egyptian question I have stated that we have not the least intention of preserving the authority which has thus reverted to us.

And Lord Granville, on December 29, 1882, found in Egypt No. 2 (1882), page 23, said—and this was an official dispatch:

You should intimate to the Egyptian Government that it is the desire of Her Majesty's Government to withdraw the troops from Egypt as soon as circumstances permit; that such withdrawal will probably be effected from time to time as the security of the country will allow it, and that Her Majesty's Government hope that the time will be very short during which the full number of the present force will be maintained.

And Lord Dufferin's dispatch of February 6, 1883, Egypt No. 6 (1883), pages 41 to 43, said:

The territory of the Khedive has been recognized as lying outside the sphere of European warfare and international jealousies.

The Valley of the Nile could not be administered from London. An attempt upon our part to engage in such an undertaking would at once render us objects of hatred and suspicion to its inhabitants. Cairo would become a focus of foreign intrigue and conspiracy against us, and we should soon find ourselves forced either to abandon our pretensions under discreditable conditions or embark upon the experiment of a complete acquisition of the country.

And Mr. Gladstone in the House of Commons on August 6, 1883, being Prime Minister at that time, said:

The other powers of Europe * * * are well aware of the general intentions entertained by the British Government, intentions which may be subject, of course, to due consideration of that state of circumstances, but conceived and held to be in the nature not only of information, but a pledge or engagement.

And on the 9th of August Mr. Gladstone said:

The uncertainty there may be in some portion of the public mind has reference to those desires which tend toward the permanent occupation of Egypt and its incorporation in this Empire. This is a consummation to which we are resolutely opposed, and which we will have nothing to do with bringing about. We are against this doctrine of annexation; we are against everything that resembles or approaches it; and we are against all language that tends to bring about its expectation. We are against it on the ground of the interests of England; we are against it on the ground of our duty to Egypt, we are against it on the ground of the specific and solemn manner and under the most critical circumstances, pledges which have earned for us the confidence of Europe at large during the course of difficult and delicate operations, and which, if one pledge can be more solemn and sacred than another, special sacredness in this case binds us to observe.

And Lord Granville's dispatch on June 16, 1884 (to be found in Egypt No. 23 (1884), p. 13), stated:

Her Majesty's Government * *. * are willing that the withdrawal of the troops shall take place at the beginning of the year 1888, provided that the powers are then of opinion that such withdrawal can take place without risk to peace and order.

Lord Derby in the House of Lords, February 26, 1885, said:

From the first we have steadily kept in view the fact that our occupation was temporarily and provisional only * * *. We do not propose to keep Egypt permanently * * *. On that point we are pledged to this country and to Europe; and if a contrary policy is adopted it will not be by us.

Lord Salisbury, in the House of Lords, June 10, 1887, said:

It was not open to us to assume the protectorate of Egypt, because Her Majesty's Government have again and again pledged themselves that they would not do so * * *. My noble friend has dwelt upon that pledge, and he does us no more than justice when he expresses his opinion that it is a pledge which has been constantly present to our minds.

And Lord Salisbury, in the House of Lords, August 12, 1889, said:

When my noble friend * * * asks us to convert ourselves from guardians into proprietors * * * and to declare our stay in Egypt permanent * * * I must say I think my noble friend pays an insufficient regard to the sanctity of the obligations which the Government of the Queen have undertaken and by which they are bound to abide. In such a matter we have not to consider what is the most convenient or what is the more profitable course; we have to consider the course to which we are bound by our own obligations and by European law.

Mr. Gladstone again on May 1, 1893, said, in his fourth ministry:

I can not do otherwise than express my general concurrence * * * that the occupation of Egypt is in the nature of a burden and difficulty, and that the permanent occupation of that country would not be agreeable to our traditional policy, and that it would not be consistent with our good faith toward the suzerain power, while it would be contrary to the laws of Europe. * * * I certainly shall not set up the doctrine that we have discovered a duty which enables us to set aside the pledges into which we have so freely entered. * * * The thing we can not do with honor is either to deny that we are under engagements which preclude the idea of an indefinite occupation, or so to construe that indefinite occupation as to hamper the engagements that we are under by collateral considerations.

The text of the Anglo-French agreement of April 8, 1904, provides [reading]:

The Government of His Majesty declares that it has no intention of altering the political status of Egypt.

The French Government was objecting to the occupation of Egypt by Great Britain, and finally France and Great Britain made a secret treaty whereby Great Britain was to be permitted to do certain things in Egypt without interference by France, and France was to be permitted to do certain things in Morocco without interference by Great Britain.

Senator JOHNSON of California. About what was the date of that—the year?

Mr. FOLK. 1904. I have the clause right here in Lord Cromer's report of March 3, 1907, Egypt No. 1 (1907), page 2:

There are insuperable objections to the assumption of a British protectorate over Egypt. It would involve a change in the political status of the country. Now, in Article I of the Anglo-French agreement of the 8th of April, 1904, the British Government have explicitly declared that they have no intention of altering the political status of Egypt.

In an interview with Dr. Nimr, editor of the Mokattam, October 24, 1908, acknowledged as official by Sir E. Gray in the House of Commons, Sir Eldon Gorst was asked:

It has been said that Great Britain proposes shortly to proclaim the protectorate or the annexation of Egypt to the British Empire. Will Sir Gordon Gorst permit me to ask him whether this rumor is well founded or not?

Sir Eldon Gorst, who was diplomatic agent of Great Britain in Egypt, answered:

The rumor has no foundation and you may contradict it categorically. Great Britain has engaged herself by official agreements with Turkey and the European powers to respect the suzerainty of the Sultan in Egypt. She will keep her engagements, which, moreover, she reiterated in 1904 at the time of the conclusion of the Anglo-French agreement. England stipulated in that agreement that she has no intention to change the political situation in Egypt. Neither the people nor the Government wish to rid themselves of these engagements.

And so it is clear that up to the beginning of the war the status of Egypt was not an internal question, but the war gave an excuse for Great Britain to break her plighted word.

Senator JOHNSON of California. Could I ask you a question there without interrupting you? You refer quite often, Governor, to internal questions. Do you mean by that that now with the recognition of that protec orate established and with the league of nations, it would be no longer an internal question?

Mr. FOLK. No, sir. I say, the way this annex reads, with the recognition of the territorial protectorate, which is not a protectorate, but a masked annexation, Egypt would be made an internal question and therefore beyond the jurisdiction of the council of the league of nations.

Senator JOHNSON of California. Your position is that by the recognition of this masked annexation we are parties to a wrong?

Mr. FOLK. We are parties to a wrong.

Senator JOHNSON of California. And then in the league of nations we rivet that wrong for all time?

Mr. FOLK. Particularly, what Egypt desires is independence. Possibly the United States can not recognize her independence, but she would be glad if the United States could do so. But she asks this, that there be a clause in section 6 making it clear that the status of Egypt shall be within the jurisdiction of the league of nations council in order that at least Egypt may go there and have her right to self-determination adjudicated.

Senator JOHNSON of California. You construe the league of nations to mean that with the recognition of the situation now existing in Egypt, it would be the duty of the United States hereafter, in case Egyptians rebelled under the league of nations, to refrain from aid, if they saw fit to aid?

Mr. FOLK. To refrain from aiding the Egyptians?

Senator JOHNSON of California. Yes.

Mr. FOLK. My point is this, that as the annex now reads, Egypt would be precluded from appealing to the council of the league of nations. We want Egypt to have the right to go before that council and to have her case adjudicated. Now with the recognition of this condition unqualifiedly, undoubtedly if Egypt should go before the council as she intends to go, if a council is formed, she would be met

by the plea from Great Britain, "Why, Egypt is an internal question." The United States has recognized the protectorate over them and in doing that has recognized the present status, and it is not a matter over which the council of the league of nations has any jurisdiction.

Senator JOHNSON of California. The fact of the matter is, we did recognize the protectorate, not in the treaty but by an independent recognition some time later, did we not?

Mr. FOLK. I understand about a month ago there was a recognition by the State Department.

Senator JOHNSON of California. Some of it was before that, while the President was at Paris, and the Secretary of State was at Paris.

Mr. FOLK. I think there was a recognition then.

Senator JOHNSON of California. It was then that the recognition occurred, was it not?

Mr. FOLK. And this was written into the annex of the treaty.

Senator SWANSON. Would it interrupt you to ask you a question?

Mr. FOLK. Not at all.

Senator SWANSON. I would like to get it clear in my mind. I have read some articles on this. Before the war, Egypt had as her sovereign, Turkey.

Mr. FOLK. Nominally.

Senator SWANSON. Nominally, and the ruler was called a khedive?

Mr. FOLK. He was khedive then.

Senator SWANSON. He was simply the governor of the Province?

Mr. FOLK. Egypt was practically independent, subject only to this nominal sovereignty of Turkey.

Senator SWANSON. I have read an article somewhere, and I want to see if I get it clear in my mind; that before the war the governor of Egypt, the khedive, was simply the governor of a province.

Mr. FOLK. No.

The CHAIRMAN. That is historically wrong.

Mr. FOLK. He is absolute sovereign, subject only to this nominal sovereignty of Turkey.

Senator SWANSON. As I understand, the flag in Egypt was really the Turkish flag, was it not?

Mr. FOLK. Yes.

Senator SWANSON. Did not the money carry the stamp of the Sultan of Turkey?

Mr. FOLK. Yes.

Senator SWANSON. I have seen it stated that since then they changed the name of the ruler from Khedive to Sultan, and that the word "Sultan" is a radical term, indicating complete sovereignty, while the Khedive was more or less of a subordinate.

Mr. FOLK. No; "Khedive" means sovereign or king, and the word "Sultan" was used by Great Britain in appointing Prince Hussein in order to distinguish his office from that of the Khedive from which the other man was ousted.

Senator SWANSON. I noticed an article written from a British standpoint which indicated that the word "Sultan" meant complete sovereignty over Egypt by the Sultan, free from anybody else.

Mr. FOLK. Yes; it does.

Senator MOSES. That is to say, free of annual tribute.

Senator SWANSON. And that the money there is now Egyptian instead of Turkish?

Mr. FOLK. Yes.

Senator SWANSON. And that the flag of Egypt floats over everything except the British consulate and the places where the British are?

Mr. FOLK. The Egyptian flag floats over everything except the British flag, which is supreme.

Senator SWANSON. I have seen it stated that the British flag floats only over the British Embassy and where the troops are. Is that true?

Mr. FOLK. No; I do not understand it that way. The British flag is supreme in Egypt. They have an Egyptian flag, like the flag of Virginia, or the flag of any State.

Senator SWANSON. Three crescents and three stars?

Mr. FOLK. That is the flag of Egypt; like the flag of Virginia.

Senator SWANSON. Do you know why the three crescents and the three stars were adopted?

Mr. FOLK. That was adopted as the form of the flag.

Senator SWANSON. This article stated that that flag floated supreme, except that the British had their flag over their cantonments or posts where the troops were, and over their embassy; but that outside of that the Egyptian flag was supreme, and that the money now had the stamp of the sultan, and that that evidenced sovereignty, and it gave them more sovereignty than they had under Turkey. Is that true?

Mr. FOLK. Great Britain has assumed sovereignty over Egypt, and is practically annexing it to the British Empire.

Senator SWANSON. Have you put into the record the proclamation in which she establishes the protectorate, saying she will defend and protect Egypt?

Mr. FOLK. I will come to that in a moment.

Senator SWANSON. As I understand, there were two proclamations, one proclamation dethroning the khedive——

Mr. FOLK. Yes; I have read that.

Senator SWANSON. And the next one establishing the protectorate.

Mr. FOLK. Yes; I have that here and will read it in a moment. In order to have it clear as to just what Great Britain had——

Senator MOSES. The khedivate was a hereditary office in the Egyptian royal family?

Mr. FOLK. Yes; it was hereditary.

Senator SWANSON. They have dethroned one ruler and put in another, and call him the sultan?

Mr. FOLK. Yes.

Senator SWANSON. Does the term "sultan" indicate more sovereignty than "khedive"?

Mr. FOLK. Not at all.

Senator SWANSON. This article stated that it did.

Mr. FOLK. "Khedive" stands for sultan or king, and the term "sultan" stands for practically the same thing.

Now, in order to have it clear as to just what Great Britain did, I will state that in an official report of date November 1, 1914, it was stated:

His Imperial Majesty the Sultan of Turkey has forwarded a circular to the great powers directing their attention to the fact that the presence of the English troops in Egypt does not permit him to exercise his suzerain rights. Acting upon this basis, the Khedive of Egypt, Abbas II, has also invited the English Government to withdraw her troops from his country.

Again, on November 2, 1914, the report stated:

The Turkish ambassador at London, Tewfik Pascha, has presented to the foreign office an ultimatum from the Khedive of Egypt demanding the immediate evacuation of Egypt by the English troops.

And so on December 18, 1914, England proclaimed the removal by her of the lawful Khedive of Egypt and the appointment by England of Price Hussein, uncle of the Khedive, as Sultan of the Throne. England's Sultan of Egypt is maintained on the throne of Egypt to-day, against the will of the Egyptian people, by the power of England's military forces.

In the London Times of December 19, 1914, appears the proclamation, proclaiming the protectorate. It is rather long, and I will not read it.

The CHAIRMAN Insert it in the record.

Mr. FOLK Yes; I will ask to insert it in the record.

The proclamation referred to is as follows:

In view of the action of his Highness Abbas Hihni Pasha, lately Khedive of Egypt, who has adhered to the King's enemies, His Majesty's Government have seen fit to depose him from the khediviate, and that high dignity has been offered, with the title of Sultan of Egypt, to his Highness Prince Hussein Kamel Pasha, eldest living price of the family of Mohomet Ali, and has been accepted by him.

The King has been pleased to approve the appointment of Prince Hussein, to be an honorary Knight Grand Cross of the Order of the Bath on the occasion of his accession to the sultenate.

The King has been pleased to give directions for the following appointment to the order of St. Michael and St. George.

His Excellency Hussein Rushdi Pasha, president of the council of ministers of His Highness the Sultan of Egypt, to be an honorary knight, Grand Cross of the Order.

The following notice is issued by the foreign office:

"His Majesty's Government having been informed that the Government of the French Republic have recognized the British protectorate over Egypt, His Britannic Majesty's principal secretary of state for foreign affairs hereby gives notice that His Majesty's Government adhere to the Franco-Moorish treaty of March 30, 1912.

"The foreign office communicates the following letter addressed to Prince Hussein by the acting high commissioner in Egypt:

"CAIRO, *December 19, 1914.*

"YOUR HIGHNESS: I am instructed by His Britannic Majesty's principal secretary of state for foreign affairs to bring to the notice of your Highness the circumstances preceding the outbreak of war between His Britannic Majesty and the Sultan of Turkey and the changes which that war entails in the status of Egypt.

"In the Ottoman cabinet there were two parties: On one side was a moderate party, mindful of the sympathy extended by Great Britain to every effort toward reform in Turkey, who recognized that in the war in which His Majesty was already engaged no Turkish interests were concerned and welcomed the assurances of His Majesty and his allies that neither in Egypt nor elsewhere would the war be used as a pretext for any action injurious to Ottoman interests. On the other side, a band of unscrupulous military adventures looked to find in a war of aggression waged in concert with His Majesty's enemies means of retrieving the disasters—military, financial, and economic—into which they had already plunged their country. Hoping to the last that wiser counsels must prevail, His Majesty and his allies, in spite of repeated violations of their rights, abstained from retaliatory action until compelled thereto by the crossing of the Egyptian frontier by armed bands and by the unprovoked attacks on Russian open ports by Turkish naval forces under German officers.

"His Majesty's Government are in possession of ample evidence that ever since the outbreak of war with Germany His Highness Abbas Hihni Pasha, late Khedive of Egypt, has definitely thrown in his lot with His Majesty's enemies.

"From the facts above set out it results that the rights over the Egyptian executive of the Sultan or of the late Khedive are forfeited to His Majesty.

"His Majesty's Government have already, through the general officer commanding His Majesty's forces in Egypt, accepted exclusive responsibility for the defense of Egypt during the present war. It remains to lay down the form of the future govern-

ment of the country freed, as I have stated, from all rights of suzerainty or other rights heretofore claimed by the Ottoman Government.

"Of the rights thus accruing to His Majesty, no less than of those exercised in Egypt during the last 30 years of reform, His Majesty's Government regard themselves as trustees for the inhabitants of Egypt. And His Majesty's Government have decided that Great Britain can best fulfill the responsibilities she has incurred toward Egypt by the formal declaration of a British protectorate and by the government of the country under such protectorate by a prince of the khedival family.

"In these circumstances I am instructed by His Majesty's Government to inform Your Highness that by reason of your age and experience you have been chosen as the Prince of the family of Mehemet Ali most worthy to occupy the Khedivial position, with the title and style of the Sultan of Egypt; and in inviting Your Highness to accept the responsibilities of your high office, I am to give you the formal assurance that Great Britain accepts the fullest responsibility for the defense of the territories under Your Highness against all aggression whencesoever coming. And His Majesty's Government authorizes me to declare that, after the establishment of the British protectorate now announce, all Egyptian subjects, wherever they may be, will be entitled to receive the protection of His Majesty's Government.

"With Ottoman suzerainty there will disappear the restrictions heretofore placed by Ottoman firmans upon the numbers and organization of Your Highness's Army and upon the grant of Your Highness of honorific distinctions.

"As regards foreign relations, His Majesty's Government deem it most consistent with the new responsibilities assumed by Great Britain that the relations between Your Highness's Government and the representatives of foreign powers should be henceforth conducted through His Majesty's representative in Cairo.

"His Majesty's Government have repeatedly placed on record that the system of treaties known as the Capitulations, by which Your Highness's Government is bound, are no longer in harmony with the development of the country; but I am expressly authorized to state that in the opinion of His Majesty's Government the revision of these treaties may most conveniently be postponed until the end of the present war.

"In the field of internal administration I am to remind Your Highness that, in consonance with the traditions of British policy, it has been the aim of His Majesty's Government, while working through and in the closest association with the constituted Egyptian authorities, to secure individual liberty, to promote the spread of education, to further the development of the natural resources of the country, and in such measure as the degree of enlightenment of public opinion may permit, to associate the governed in the task of government. Not only is it the intention of His Majesty's Government to remain faithful to such policy, but they are convinced that the clearer definition of Great Britain's position in the country will accelerate progress towards self-government.

"The religious convictions of Egyptian subjects will be scrupulously respected, as are those of His Majesty's own subjects, whatever their creed; nor need I affirm to Your Highness that in declaring Egypt free from any duty of obedience to those who have usurped political power at Constantinople His Majesty's Government are animated by no hostility toward the khalifate. The past history of Egypt shows, indeed, that the loyalty of Egyptian Mahomedans toward the khalifate is independent of any political bonds between Egypt and Constantinople.

"The strengthening and progress of Mahomedan institutions in Egypt is naturally a matter in which His Majesty's Government take the deepest interest and in which Your Highness will be specially concerned, and, in carrying out such reforms as may be considered necessary, your Highness may count upon the sympathetic support of His Majesty's Government.

"I am to add that His Majesty's Government rely with confidence upon the loyalty, good sense, and self-restraint of Egyptian subjects to facilitate the task of the general officer commanding His Majesty's forces, who is intrusted with the maintenance of internal order, and with the prevention of the rendering of aid to the enemy.

"I have, etc.,

"(Sd.) MILNE CHEETHAM."

THE NEW ERA.

END OF AN ANOMALOUS SITUATION.

[By our special correspondent.]

CAIRO, *December 18.*

The Ottoman suzerainty over Egypt has at last given place to a British protectorate. The proclamation announcing Great Britain's decision and explaining the cause is just published, and the thunder of 101 guns has laid the ghost of Turkish rule.

Only the madness of Egypt's ex-suzerain has compelled Great Britain once for all to confirm and regularize her position in the Valley of the Nile. Until the Anglo-French agreement of 1904 our very occupation was not officially recognized by Europe. That agreement, though it involved the recognition by France, and subsequently by other powers, of our predominant interests in Egypt, was yet a self-denying ordinance in that we bound ourselves therein not to make any change in the status of the country. Neither the Turkish adventure in 1906 nor the annexation of Bosnia and Herzegovina by Austria-Hungary, whose foreign minister, the late Count Aehrenthal, undoubtedly believed we should follow his lead and annex Egypt, nor the proclamation of a French protectorate over Morocco in 1911, induced us to alter the status of Turkey's vassal. It was not till the maintenance of the status quo had been rendered impossible by Turkey's gratuitous attack on Great Britain and her allies that the British Government took the one step, short of annexation, that she could take with justice to herself and the Egyptians.

Such a situation, with England in beneficent occupation of a Turkish vassal State and at war with the nominal suzerain, who had never recognized our occupation, and had never conferred the slightest benefit upon Egypt, was alike intolerable and absurd.

A solution which might have placed the Egyptians in closer relations with the British Empire might have been adopted. But nothing has impressed more the intellectual elements among the Arab peoples, whom the Pan Islamists of the Levantine elements of Constantinople and Jewish Salonika were striving to combine against us, than our unremitting efforts to prepare the Egyptians for self-government and our abstinence from all action calculated to repress the development of local institutions.

Again, we are at war on behalf of small nationalities. None can deny the growth of Egyptian racial feeling, and this racial feeling—particularism, call it what you will—merits respect all the more so when it is remembered that the Egyptian people, with insignificant exceptions, have shown good sense and good feeling in the present crisis. More drastic action, while simplifying the problem of how to deal with the foreign jurisdictions in Egypt, would have hurt the feelings of many Egyptian Anglophiles and might have put a weapon into the hands of our enemies.

None can doubt that under the British protectorate, proclaimed on a day which Moslems regard as auspicious, Egypt will prosper and advance even more rapidly than it has yet done, and will be all the happier for the disappearance of Ottoman suzerainty. Once a cruel reality, that suzerainty had long become a shadow, but it was a shadow that still troubled some men's dreams in Egypt.

Senator SWANSON. What is the date of that?

Mr. FOLK. December 14, 1914.

We are told that the league of nations will apply the same principles between nations that have long been applied between individuals by municipal law. If an individual were to appoint himself trustee of your property and take your property by virtue of his appointment, that would, under municipal law, land him behind the bars. England appointed herself trustee, and under that self-appointment took over Egypt. Now, as a war measure, that was accepted and not objected to, and the Egyptian troops fought on the side of the Allies; but the war is now over. Shall Egypt be handed over to Great Britain as spoils of war contrary to the declarations in the covenant of the league of nations and of the principles for which America fought? When Great Britain's pledges of altruism are set down side by side with the treatment of Egypt by Great Britain the result must be awesome to the democratic mind. Of all the countries at war the aims and motives of Great Britain and America were stated to the world with the greatest clarity and in the most impressive

way. On November 10, 1914, Mr. Lloyd George in a speech called the world to witness the utter unselfishness of Great Britain in the war. "As the Lord liveth," he declared, "England does not seek a yard of territory. We are in this war," he said, "from motives of purest chivalry, to defend the weak."

On February 27, 1915, Premier Lloyd George asserted with dramatic fervor that the suggestion that England desired "territorial or other aggrandizement" was an infamous lie of the enemy.

Senator JOHNSON of California. What was the date of that?

Mr. FOLK. February 27, 1915.

Senator JOHNSON of California. Where do you find those speeches?

Mr. FOLK. In any daily newspaper, in the Associated Press reports.

Aside from "making the world safe for democracy," the reasons given for America's entrance into the war were, "For the right of all who submit to authority to have a voice in their own government," and "for the rights and liberties of small nations."

President Wilson, in his great address at Mount Vernon, the home of Washington, on July 4, 1918, said—you are familiar with it, but I will read it again lest we forget—and the ideals expressed in this speech and in the 14 points, I believe, had more to do with winning the war than a thousand cannon or a million men. President Wilson in his Mount Vernon address said:

> There can be but one issue. The settlement must be final. There can be no compromise. No halfway decision would be tolerable. No halfway decision is conceivable. These are the ends for which the associated peoples of the world are fighting, and which must be conceded them before there can be peace. * * * The settlement of every question, whether of territory, or sovereignty, or economic arrangement, or of political relationship upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own influence or mastery. * * * What we seek is the reign of law based upon the consent of the governed and sustained by the organized opinion of mankind.

Shall Egypt, without the consent of the Egyptians, be turned over to England for the sake of England's influence or mastery? Let us be true to the ideals expressed in President Wilson's Mount Vernon address.

In the 14 points advanced by President Wilson we find the following pertinent and applicable provisions:

> Point 14. A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike.

This principle allied to Egypt would lead to a conclusion directly opposite from the indorsement of the British seizure of Egypt and destruction of Egypt's independence.

Applying the principle of the seventh point to Egypt and only substituting the word "Egypt" for "Belgium," the seventh point would read:

> Egypt, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

How can it be justly said that Egypt is outside the realm of the principles of the 14 points, and that England may deny the right of

self-determination to Egypt? If Great Britain's holding of Egypt by military force should be indorsed and ratified by the very instrument which condemns that character of international aggression, would not the "whole structure and validity of international law" be forever impaired? Would not the covenant as to the rights of all nations to self-determination and to freedom from aggressions by other nations be made a hollow mockery? Shall the principles of democracy, so beautifully set forth in the league of nations covenant, be repudiated in Section VI of the annex to the treaty?

Senator KNOX. Governor, do you claim that this treaty in any other way, except inferentially making it an internal question, ratifies it?

Mr. FOLK. No, sir; I do not find anything else in the treaty, and I charge that Great Britain intends to keep Egypt, that Great Britain will not give up Egypt. If Great Britain will announce that she intends to give up Egypt, that she will turn Egypt over to the league of nations or to a mandatory, that will be a different proposition, but there has been no such announcement, and from the circumstances which I will detail in a moment it is not likely that there will be any such announcement.

Senator JOHNSON of California. The only part of the treaty with which you deal is that portion of article 147 whereby Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain?

Mr. FOLK. Yes.

Senator JOHNSON of California. On December 18, 1914?

Mr. FOLK. Yes.

Senator JOHNSON of California. Independently of the treaty the United States some few months ago recognized this protectorate as well. Now perhaps you are going to reach that point, but I wish to ask you, what can be done so far as this treaty is concerned, to accomplish the object which you suggest?

Mr. FOLK. By inserting the words "the status of Egypt shall be within the jurisdiction of the council of the league of nations." That one sentence inserted in section 6 would relieve any question.

Senator JOHNSON of California. But do you consider the treaty as dealing with the status of Egypt? Does it not simply require the recognition by Germany of the British protectorate?

Mr. FOLK. It merely provides that Germany recognizes this protectorate; but when that is indorsed without qualification, we likewise recognize and indorse it. It is not a protectorate. If it were a protectorate actually, that would be one thing, but it is a masked annexation. We would recognize the condition. We would deliver over Egypt to British bondage forever if there were no qualifications there.

Senator JOHNSON of California. We have done that already by our recognition, have we not?

Mr. FOLK. What I want you to do is to put in the treaty a clause providing that the league of nations shall have jurisdiction. If we have done it, then let it be undone, as this clause would undo it.

Senator KNOX. Do you recognize this proposition, that we might be estopped from denying that status? By our treaty with Germany we seek recognition of the status of a protectorate over Egypt. That

is the thing that we made Germany do. Would we not be equitably estopped from denying that status ourselves?

Mr. FOLK. I think unquestionably we would. We could not deny that status. In other words, God seems to be in the covenant, but the devil in the annex to this treaty.

Permanent peace can not be founded on injustice. If Great Britain seeks the turning over of Egypt to her as a condition defining the covenant, then we may well question her sincerity in signing the covenant. If Great Britain really intends to turn Egypt back to the Egyptians, or over to the council of the league of nations, Great Britain should not object to a clause specifically giving jurisdiction over Egypt to the council of the league of nations. If Great Britain does not intend to turn Egypt over to the Egyptians or to the council of the legaue of nations, then Great Britain has no right to object to such a clause. If Great Britain was not sincere in proclaiming the beautiful principles of democracy in the covenant, then the sooner we find that out the better, and it were better to find it out before the knot is tied and it is too late.

Senator HARDING. Governor, you overlook the point that the council of the league of nations is made up by the very powers that have made this treaty.

Mr. FOLK. Yes, I know that very well; but when you put in this clause——

Senator HARDING. Would not the cure be to leave Egypt to her own fortunes, without putting her under the control of the league?

Mr. FOLK. That would be the maximum. That is the desire, the hope, the prayer of the Egyptians, to be independent. They would like to be recognized as independent, but they ask at least that they be not precluded from going before the league of nations.

Senator KNOX. What is going to become of your theories if there is to be no league of nations?

Mr. FOLK. If there is no league of nations then, of course, that is a different proposition. I do not think we could assume to act with reference to Egypt except through a possible treaty.

Senator KNOX. But there is opposition to the league of nations.

Mr. FOLK. Yes.

Senator KNOX. Suppose the league of nations is stricken out, how are we going to help you then in this treaty?

Mr. FOLK. You could if you should recognize the independence of Egypt, but that would possibly be going beyond what you might desire to do.

Senator KNOX. The executive branch of our Government has recognized the protectorate?

Mr. FOLK. Yes.

Senator KNOX. And it has exclusive jurisdiction of such matters.

Mr. FOLK. Undoubtedly, except when it comes up in a treaty, as it does here. But I am speaking only upon the assumption that there is to be a league of nations established and that this treaty will be adopted with the covenant of the league of nations. Then upon that assumption we ask for the insertion of this clause so as to give Egypt the right to go before the council of the league of nations. If Great Britain merely intends to keep Egypt until the creation of the league of nations, so that Egypt shall be saved from outside aggression, that is one thing; but if that were the intention of Great Britain,

why should she ask that the seizure and holding of Egypt by her be recognized and approved by the other nations? Is it not apparent that the purpose of Great Britain is to keep Egypt permanently as a part of her dominions, and to do this if possible with the approval of the civilized nations of the world?

Mr. Frederic Courtland Penfield was consul general of the United States to Egypt, and wrote a book entitled "Present-Day Egypt." In that book, on page 315, he gives some reasons why Great Britain would probably not want to give up Egypt. He says:

> Great Britain has well-nigh made an English lake of the Mediterranean; the outlet of this lake, the Suez Canal, is the key to the whole scheme of British rule in India and the East. To control the canal, by force of arms if necessary, is the predominant reason why England remains in Egypt. It serves her purpose perfectly to have 5,000 redcoats within a few hours' journey of the great international waterway and a guardship at each terminus of it. Without the absolute control of this connecting link between Occident and Orient, 36,000,000 people in Great Britain could not expect long to hold in subjection 400,000,000 in India and to govern a quarter of the globe.

And again, on page 316, he says:

> An incidental reason why Great Britain retains her hold upon Egypt is that the cotton crop of the Nile Valley reduces more and more each year the dependence of British spindlers upon the cotton fields of the United States. .

Clearly, if the principles of the covenant of the league of nations are to be made impartially effective, the status of Egypt should be declared to be a matter of adjustment by the league of nations, when the league of nations shall have been formed and in active operation.

What title has Great Britain to Egypt? Ordinarily a country acquires title to territory by discovery, by purchase, or by conquest. England did not discover Egypt, did not purchase Egypt, and it has made no lawful conquest of Egypt. Entering Egypt for the purpose of collecting debts and promising the world to withdraw after temporary occupation; seizing Egypt as a war measure by reason of the appearance of Turkey as a combatant; that is the title of Great Britain to Egypt. Now the war is over, and the league of nations is presumed, supposed, or assumed to be established, and government is to be based upon the consent of the governed, and this being so, shall the title of seizing nations to their plunder be recognized? If so, the war will have failed of its chief purposes and victory will have been robbed of her most precious jewel.

The league of nations, we are told, would apply the same principles between nations that have long been applied between individuals by municipal law.

If an individual were to forcibly intrude into the home of another for the ostensible purpose of collecting a debt and then should assume proprietorship and direction over the entire household upon the theory that it is best for the owners of the house, and then should ask that his title to dominion and control of the house be recognized, he would, under municipal law, land in jail as a trespasser.

If, under the league of nations, the same principles are to be applied between nations, Great Britain would have to get out of the land of Egypt, where she is a trespasser by force and without title.

Great Britain holds Egypt not by right of any title, but by might of military force.

The Government of Japan has announced that Japan will not hold Shantung in violation of the rights of the people there; that

she will give Shantung back to China. She may not be sincere in that announcement. That is not a question to discuss here. But there has been no announcement that Great Britain will be even that unselfish as to Egypt. Indeed, Great Britain's occupation of Egypt under pretense of collecting debts or protecting the Egyptian Government from "rebels," and her continued occupation in violation of her promises to withdraw and the later seizure and present holding of Egypt in violation of the rights of the people of Egypt, do not lend encouragement to the hope that Great Britain will act unselfishly toward Egypt. There is no defense, in any of the books, as to Great Britain's holding of Egypt. It is a stain upon the history of England and is so recognized. They only say in defense, "Well, Great Britain has given good government down in Egypt." We might have good government in this country under a king, but that would be no reason why we would be satisfied with a king. We want more than good government—we want self-government. And so do the Egyptians. No amount of good government can compensate for the loss of self-government. England's seizure and continued holding of Egypt, not by right but by might, is out of keeping with the world's new temper.

Only by the exercise of the gospel of force can the holding of Egypt be maintained. The cruel disappointment of the Egyptians who fought so bravely with the Allies to overthrow autocracy and to sustain democracy throughout the world, only to be denied the things for which they and America fought, and to be placed under the steel of the military autocracy of England, means bitterness that ill accords with that spirit of the league of nations hich speaks for right and justice to all people, and that no people shall be governed without their consent.

The inevitable outcome is recorded in the daily press. Most of the news from Egypt is suppressed by Great Britain. We hear very little. Once in a while something leaks through. For instance, there was an Associated Press dispatch of July 25 last, and I quote from the headlines of the St. Louis Republic of July 25, 1919:

Eight hundred Egyptians die, 1,600 wounded, when British put down revolution.

Is there any wonder? Would not Americans fight under the same circumstances? Would not Englishmen do the same? Shall the same instrument guaranteeing the right of self-determination to the people of all nations approve the denial of self-determination to Egypt? Is the world to continue to be ruled by might, or are we really in the dawn of a new day when right and justice shall reign throughout the earth?

The Egyptians fought on the side of the Allies, believing that they were fighting for the right of self-determination and for the principle that no people should be governed without their consent. When the armistice was signed the Egyptians rejoiced, even more than we rejoiced, for they were glad that the military autocracy had been overthrown, that the world had been made, as they believed, safe for democracy. They were glad further because they thought it meant the independence of Egypt. They did not doubt that they would have the right of self-determination, and that the time of their being governed without their consent was about to end. The legislative assembly of Egypt then appointed this commission to go to Paris to

the peace conference, thinking that there would be a league of nations, and that Egypt would be a part of it. There was joy throughout the land of Egypt. A song of gladness was heard up and down the Nile. This commission went on its way to Paris, but when it reached Malta the members of the commission were astounded when they were arrested by order of the British Government and interned in jail.

Senator JOHNSON of California. Where?

Mr. FOLK. At Malta. The British Government did not intend that Egypt should be heard before the league of nations, or before the peace conference. Not only that, but the British Government did not intend that the cause of Egypt should be heard in the United States, for upon order of the British Government this commission is interned in Paris to-day, and passports have been denied not only to members of the commission to come to the United States, but to any representative of the commission to come. If you are to consider this treaty long enough, I wish you would send for Mr. Zaghlul, the first man of Egypt, and let him tell you the story. Great Britain can not claim that he is a mere agitator and not reliable, for in every book upon Egypt written by Englishmen there are comments upon Mr. Zaghlul, and compliments upon his record. For instance, from the book by Mr. J. Alexander, page 54, called "The Truth About Egypt," I read from page 54, as follows:

> The appointment, in October, of Said Bey Zaghloul as minister of public instruction was one of the most opportune events of the year, and one of the very few which received the approbation of all parties. The appointment of Mr. Dunlop as adviser to the ministry some months earlier had raised the fury of the Anglophobe papers; but the selection of Said Bey Zaghloul—a man of Egyptian origin and tried abilities—emphasized the readiness of the British agency to support the genuinely progressive element among the Moslem natives of the country. It refuted the arguments so often repeated by Mustapha Pasha Kamel that no Egyptain of independent judgment and progressive views ever received the due recognition under the "iron rule of the occupation"; and it called forth the unanimous hopes of the native papers that it signified the beginning of a much-needed reform, and was in answer to their criticisms of Lord Cromer's past policy.

It was he who instituted the reforms for the education of women in Egypt. He is the head of this commission. He is detained in Paris by order of the British Government. The British Government does not intend that you shall hear him. You may get him if you can. I do not know whether you can or not. But if you would like to hear a story, the story of Egypt's wrong, you can have no better witness than Mr. Zaghloul.

In behalf of the commission and as counsel for the commission we ask that Section VI, articles 147 to 154, of the annex to the Versailles treaty clearly state that the status of Egypt shall be within the jurisdiction of the council of the league of nations.

Whether Egypt shall be turned over to Great Britain as spoils of war can not be an internal question unless it be made so by the treaty itself fixing the status of Egypt as internal to Great Britain.

America has always been the refuge of the oppressed of every land, and freedom of discussion of complaints of aggression has been a matter of course. The condemnation of Egypt without a hearing, to British bondage and subjection would mean continued mowing down by British guns of these liberty-seeking people who fought with America to make the world safe from military autocracy.

If, on the other hand, the Egyptians are assured of a hearing of their case by the council of the league of nations, or some interna-

tional tribunal, there would, no doubt, be peace and quiet in Egypt, in the knowledge that an international forum will be open to them to determine their status and for the adjustment of their grievances. Thus the league of nations will have justified one of the sublime purposes of its conception in affording a remedy to oppressed nations and enabling them to obtain an adjudication of their right to national self-determination by appealing to justice rather than to force.

There can be no permanent peace based upon a foundation of injustice. Peace can only come to the world permanently through the application of the principles of self-government and of democracy to the peoples of all the world. Not only in the covenant should they be expressed, but they should not be repudiated in the annex to the covenant. When peace between the nations shall be based upon justice, then and not till then may we confidently look forward to the coming of the day foretold by the prophets of old, when there shall be peace on earth and good will in the hearts of the children of men. I thank you very much, Mr. Chairman and gentlemen. I would be glad to answer any questions.

Senator SWANSON. Egypt, as I understand, has a legislative body. Do you know to what extent it functions; what authority and power it has?

Mr. FOLK. Yes, sir.

Senator SWANSON. What authority has that legislative body?

Mr. FOLK. Until 1913 the authority was very limited. Lord Kitchener in 1913 recommended the present legislative assembly of Egypt. A majority of that body is elected by the people of Egypt. They now have authority to make laws.

Senator SWANSON. I understand that three-fourths are elected and one-fourth appointed. How is the one-fourth appointed?

Mr. FOLK. One-fourth is appointed by the Khedive. I read a while ago how it was selected.

The CHAIRMAN. Gov. Folk put that in the record.

Senator SWANSON. I was not in at the time.

Mr. FOLK. Eighty-nine members—three-fourths—are chosen by district electors chosen by popular vote in proportion to population. Twenty-three are appointed. There are four Copts, three Beduoins, two merchants, one pedagogue, and one municipal representative.

Senator SWANSON. I will read that. Did you put in the record what authority they have?

Mr. FOLK. Yes. They have a legislative authority at this time.

Senator HARDING. Governor, I want to ask you, was any voice for Egypt deard at the conference?

Mr. FOLK. Absolutely no voice for Egypt was allowed to be heard before the peace conference, and this is the first time Egypt has been heard in connection with the discussion of the league of nations and the peace treaty.

Senator HARDING. Do you know if the American commissioners and the special agents of humanity knew anything about Egypt's cry for assistance?

Mr. FOLK. I have not heard whether they knew or not.

The CHAIRMAN. They recognized the protectorate.

Senator JOHNSON of California. Were the members of the commission in Paris during the deliberations of the peace conference, at any time?

Mr. FOLK. They were interned at Malta, and when the people of Egypt heard that Zagdul was interned—he is the idol of the people of Egypt—revolution broke out.

Senator SWANSON. The real status of Egypt would have to be fixed in the treaty with Turkey?

Mr. FOLK. Yes; I understand that the treaty with Turkey attempts to turn over the title of the Sultan of Turkey to Great Britain, not to Egypt. There would be injustice piled upon injustice; and of course you want to see the treaty with Turkey before you can act intelligently in regard to Egypt. You are quite correct, Senator.

Let me answer Senator Johnson's question.

Senator KNOX. Is there not every presumption that they will require the same recognition of the protectorate in the treaty with Turkey that they have in the treaty with Germany?

Mr. FOLK. Absolutely. I understand that is in the Turkish treaty.

Now, they were interned at Malta, and when the people of Egypt heard that Zaghlul was interned, revolution broke out. It was reported that 800 Egyptians were killed, but I am told by people of Egypt that 30,000 were killed; that they used machine guns from airplanes and mowed the people down. Finally, after Zaghlul and his associates had been kept in Malta for a month, Gen. Allenby advised the British Government that the commission ought to be allowed to proceed to Paris. The commission thereupon was released and went to Paris; and they found to their horror when they reached Paris that two days before this clause had been written into the treaty. They asked for a hearing and it was denied. Then they asked to see President Wilson, but he could not see them. They went to the American consul and asked for passports to the United States in order that their story should be told in the land of the free. The American consulate said of course that they could have passports, but three days later the American consul and the British consul called upon the commission and advised them that neither they nor any representative would be given passports to come to the United States. And they are kept there to-day, unable to get passports to any other country.

That simply shows some injustice that Great Britain desires to cover up. Right does not fear the truth and light. Injustice always seeks the darkness. Are there any further questions?

Senator SWANSON. As I understand, what you ask is to give jurisdiction of the league to the Egyptians.

Mr. FOLK. We ask that in the event——

Senator SWANSON. Do the Egyptians favor the league of nations to cover their case?

Mr. FOLK. They would favor it, undoubtedly, if they could get before the league of nations. Let me say this, that they are entitled to independence; as much entitled to independence as we were in 1776. But if it is insisted that they must be under a mandatory, under Section XXII of the covenant, then the United States should be that mandatory and not Great Britain. Great Britain can never rule Egypt except by the utter extinction of every Egyptian. That is what they say.

Senator SWANSON. As I understand it, the Egyptians look with confidence in presenting their case to the league of nations, and would like to have the league of nations adopt it.

Mr. FOLK. If they are not prevented from going before it.

Senator SWANSON. If they were permitted to appear before the league of nations, they would be pleased.

Mr. FOLK. It offers them a remedy and a forum in which to plead their case.

The CHAIRMAN. Do you think the council of the league of nations as proposed would be likely to change their status?

Mr. FOLK. Of course, they would like to reduce the vote of Great Britain in the council.

The CHAIRMAN. She has only one vote in the council, but have they looked over the other countries and considered whether they would be apt to change their status?

Mr. FOLK. Of course, you can not tell about a court beforehand.

I notice here, in answer to Senator Fall's question 13, something that I did not understand, where the President says:

> There has been a provisional agreement as to the disposition of these overseas possessions whose confirmation and execution is dependent on the approval of the league of nations, and the United States is a party to that provisional agreement.

Whether that includes Egypt or not I do not know. I presume you have that agreement.

The CHAIRMAN. What agreement?

Mr. FOLK. That he refers to in question No. 13.

Senator SWANSON. Read it again.

Senator JOHNSON of California. Of course we have not the agreements.

Senator HARDING. On what ground do you assume that we have.

Mr. FOLK. I have heard that you have been asking for them, and the Bible says, "Ask and you shall receive," and I assume that you have received.

Senator KNOX. Are you reading the question or the answer?

Mr. FOLK. I am only reading the answer because the paper I have only gives the answer.

Senator KNOX. That is what I wanted to know.

Mr. FOLK. These are the President's words [reading]:

> There has been a provisional agreement as to the disposition of these overseas possessions whose confirmation and execution is dependent on the approval of the league of nations, and the United States is a party to that provisional agreement."

The CHAIRMAN. I think he says elsewhere that it is not in his possession and that he could not send it to us.

Mr. FOLK. Of course if that included Egypt, it would be like the judges of a court getting together and decreeing how they would decide a case beforehand.

The CHAIRMAN. On that matter of the power of the league of nations, the United States, which has the power of recognition, has recognized the protectorate. It is estopped.

Mr. FOLK. The Senate is not estopped.

The CHAIRMAN. I grant you the Senate is not estopped.

Mr. FOLK. But unless you put that clause in, then——

The CHAIRMAN. I know that point has been made before, but I am getting back of that; but in the council of the league of nations, to which you ask us to give you access, the United States would be estopped under that recognition.

Mr. FOLK. It would be estopped unless you write into the treaty this clause.

The CHAIRMAN. No; I am assuming that we do write it in, that the status is to be determined by the council of the league of nations. When they get in there they will find themselves in the presence of men representing the United States who are estopped by the President's recognition.

Mr. FOLK. I do not think so, if you will write it in the treaty that way.

The CHAIRMAN. All you write in the treaty is to give them the right to go to the council.

Mr. FOLK. And give the council jurisdiction. Great Britain would then be estopped from treating Egypt as an internal question. The treaty expressly includes that idea.

The CHAIRMAN. The President could turn around and say with great force, "The authority of the United States, which has the power to recognize—that is, the executive authority—has recognized this protectorate."

Mr. FOLK. Absolutely. And the answer would be, "Temporarily." And the treaty has expressly given jurisdiction to the council over Egypt, and the treaty is the document that covers the council and not an executive temporary recognition.

The CHAIRMAN. I should be sorry to have to take that chance if I was an Egyptian.

Senator SWANSON. And Egypt agrees with confidence to the covenant of the league of nations?

Mr. FOLK. If you do not have a league of nations, Egypt would be hopeless. She would be in the grasp of Great Britain to be ground under her heel forever. Her only hope is through some sort of a league. You gentlemen here would have no concern about Egypt if you were about to make a treaty.

Senator JOHNSON of California. Is it not a fact that your only hope in the league of nations is in the amendment?

Mr. FOLK. In the amendment.

Senator JOHNSON of California. And you have no hope in the league of nations unless we amend this treaty?

Mr. FOLK. Absolutely. Unamended, Egypt would be worse than hopeless because she would have no remedy. She would have not only Great Britain to contend with, but other countries, including the United States. But with this amendment adopted she would have some remedy.

The CHAIRMAN. Merely as a matter of speculation, if Egypt comes into that forum, the council of the league, Great Britain would not vote to change her status?

Mr. FOLK. No, sir.

The CHAIRMAN. Do you think Japan would?

Mr. FOLK. Well, I would not like to go over the different members of the court and try to determine in advance how they might vote. Of course the league is founded on justice. You could not tell in advance how each member is going to vote, and if this league is not founded on justice, then it will be the greatest curse to mankind.

Senator MOSES. You have already pointed out that Great Britain and France already had an agreement with respect to Egypt. Would not that prevent France from voting with the Egyptians?

Mr. FOLK. If that is true, then indeed they are hopeless. But if the league of nations is to be formed on the basis of justice, that is a

different proposition. Now we do not know what is in this agreement spoken of here, and we do not know what might be in secret agreements. I have an article here in the Century Magazine, where the writer says there are six agreements between Great Britain, France, and Italy respecting these eastern countries.

Senator JOHNSON of California. Who is the author?

Mr. FOLK. This is written by Herbert Adams Gibbons. He discusses article 23 of the covenant.

The CHAIRMAN. Mr. Gibbons has sent to the committee and asked to lay a mass of papers before them in regard to Egypt, which I think you have covered.

Senator MOSES. You feel certain about this provisional agreement?

Mr. FOLK. What provisional agreement?

Senator MOSES. That you have been telling us about, for the disposition of overseas possessions.

Mr. FOLK. I do not know anything about it. I have never seen it, but I merely called your attention to the clause in the answer of the President to Senator Fall's question 13. I asked if you had not seen this provisional agreement, and whether it included Egypt or not. The chairman says he has not seen it. He does not know that he will see it.

Senator HARDING. The President says there is such an agreement?

Mr. FOLK. To use his exact language again [reading]:

There has been a provisional agreement as to the disposition of these overseas possessions whose confirmation and execution is dependent on the approval of the league of nations, and the United States is a party to that provisional agreement.

Senator MOSES. What date is that?

Mr. FOLK. August 21.

Senator MOSES. What is the date of the President's statement, in the paper of August 21?

Mr. FOLK. His statement is dated August 21, and is published in the afternoon papers of August 21.

Senator MOSES. I call your attention in that connection, Gov. Folk, to the stenographic report of the meeting held at the White House, Tuesday, August 19. Toward the conclusion of it I spoke to the President about our taking only an undivided one-fifth part of the German overseas possessions, and asked him if there had been any plan made for the disposition of those overseas possessions, and he said, "I have not thought about that at all." I then asked him:

You have no plans to suggest or recommendation to make to Congress?

And he answered:

Not yet, sir; I am waiting until the treaty is disposed of.

And yet the next day or two days after, he makes the statement which you read, that the United States is a party to a provisional agreement for the disposition of the overseas possessions.

Mr. FOLK. Of course I am not here to discuss the answers of the President except in so far as he has mentioned a provisional agreement, and to ask if that provisional agreement covers the case of Egypt, and if it does, whether we would not be in this position, as Senator Lodge has intimated, the members of the Supreme Court might go outside and agree on how they will decide a case, subject merely to entering it up when they get on the bench, and then ask

for an argument. The litigant would have very little show. But I assume that the character of the contracts the President is speaking of is of a different nature. I assume that. I can not believe that he would have made a contract giving away these countries contrary to principles in the covenant.

The CHAIRMAN. Governor, do you regard the council of the league of nations as a judicial body?

Mr. FOLK. If it is not judicial, then God help them.

Senator MOSES. Mr. Chairman, my only purpose in calling attention to this is to show the tremendous contradictions which are involved in all our attempts to get any information as to what has been done, and what stipulations we are bound by in all these numerous treaties and secret treaties and other documents which have been made.

Mr. FOLK. Of course you have to see the treaty made with Turkey to see what has been done with Turkish territory. That is, I understand, to be turned over to Great Britain. Of course you want to see these agreements before you can decide.

The CHAIRMAN. Yes; they are closely bound together.

(Thereupon, at 12.05 o'clock p. m., the committee adjourned to meet to-morrow, Tuesday, August 26, at 10.30 o'clock a. m., in executive session.)

(The following letters from Mr. Folk were subsequently ordered printed in the record:)

AUGUST 30, 1919.

Hon. HENRY CABOT LODGE,
Chairman Foreign Relations Committee.
United States Senate.

(In the case of Egypt.)

DEAR MR. CHAIRMAN: The status of Egypt which has arisen out of the war just closing becomes properly a subject to be considered in any general treaty that may be made. Supplementing what I said to your honorable committee the other day and epitomizing the relief then asked for in behalf of the Egyptian commission, in the alternative, the first relief being the most desirable, the second the next, and the third next, that relief expressed in the alternative form is as follows:

1. Amend by inserting a new clause after section 6, article 147, to be known as article 147-A, to read as follows:

"The independence of Egypt is hereby recognized, and the British Government will withdraw the British troops from Egypt within one year from the effective date of this treaty."

Or—

2. Amend by inserting a new clause after section 6, article 147, to be known as article 147-A, to read as follows:

"The protectorate proclaimed by Great Britain over Egypt is hereby declared to be temporary, and this protectorate shall in no wise interfere with the independence of Egypt, which is hereby declared to be free to enter into diplomatic relations with other nations."

Or—

3. Amend by inserting a new clause after section 6, article 147, to be known as article 147-A to read as follows:

"The status of Egypt is hereby declared to be a matter within the jurisdiction of the council of the league of nations, and shall not be considered an internal question of Great Britain."

In behalf of the Egyptian commission appointed by the Legislative Assembly of Egypt, consideration of your committee is asked for the relief above prayed for in the hope that Egypt may be accorded that self-determination for which the Egyptian troops fought and which has so far been denied.

Respectfully,

JOS. W. FOLK,
Counsel for the Commission Appointed by the Legislative Assembly of Egypt.

AUGUST 31, 1919.

Hon. HENRY CABOT LODGE.
Chairman Foreign Relations Committee, United States Senate,
Washington, D. C.

In the case of Egypt.

DEAR MR. CHAIRMAN: In behalf of the commission appointed by the Legislative Assembly of Egypt, I call your attention further to article 152, section 6, of the Versailles treaty. The first clause of this article reads as follows:

"Germany consents, in so far as she is concerned, to the transfer to his Britannic Majesty's Government of the powers conferred on his Imperial Majesty the Sultan, by the convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal."

This may mean almost anything from the transfer of the territorial sovereignty in the Suez Canal to the transfer of sovereignty in Egypt. The convention signed at Constantinople on October 29, 1888, is to be found in the Congressional Library (T. C. 791, G. 77). Sections 12 and 13 of this convention apparently recognize the territorial sovereignty of the Sultan of Turkey in the Suez Canal. There appear to be no specific powers conferred upon the Sultan other than the sovereign rights.

For reasons heretofore given, we ask that the words "His Britannic Majesty's Government" be stricken from the paragraph in question and that the words "the Egyptian Government" be substituted therefor.

Very truly,

JOS. W. FOLK.

THURSDAY, AUGUST 28, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to the call of the chairman, at 10.30 o'clock a. m., in room 246, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), Brandegee, Knox, Harding, New, and Moses.

The CHAIRMAN. The hour having arrived, and our time being short, I will ask these gentlemen who have come here to proceed. I want to say this, that the committee gives this hearing on matters relating to the treaty and for nothing else excepting matters relating to the treaty, and there is nothing else before this committee. The time of the committee is limited. We can not sit beyond 12 o'clock. I have here the list which has been handed to me, and I understand that 45 minutes are to be given to the Equal Rights League and 45 minutes to the disposition of the German-African colony. We will hear those for the Equal Rights League first.

STATEMENT OF MR. WILLIAM MONROE TROTTER, SECRETARY OF THE NATIONAL EQUAL RIGHTS LEAGUE, 34 CORNHILL, BOSTON, MASS.

The CHAIRMAN. I understand the Equal Rights League proposes an amendment to the treaty; is that correct?

Mr. TROTTER. That is correct. Do you object to that amendment to the treaty being in the form of an amendment to an article, or Part I of the treaty?

The CHAIRMAN. If you have an amendment to offer to the treaty, of course you can offer it at any point.

Mr. TROTTER. We have two propositions, because we wanted to be in accord with the wishes of the committee as to whether we should offer it to Part I or Part II. In fact, we would like, if it is in order, Mr. Chairman, to offer two amendments, either one of which would be satisfactory to the league. Is that in order?

The CHAIRMAN. Certainly. Are these the amendments offered in Paris on equal rights?

Mr. TROTTER. They are similar.

The CHAIRMAN. On what was called "race equality" there?

Mr. TROTTER. Yes; and protection of racial minorities.

Senator MOSES. You are a former Register of the Treasury?

Mr. TROTTER. No, sir. My father was recorder of deeds in the District of Columbia.

The CHAIRMAN. Continue, Mr. Trotter.

Mr. TROTTER. This World War was fought for a great human principle. The chief officials of this country announced from the housetops that the purpose of the war was to procure universal security of life and the protection of the weak from the strong.

When the United States for the first time in its history went to Europe for an offensive war, the welkin rang with the official clarion call, "We are fighting for universal liberty, for world democracy, for humanity everywhere," and the banners bearing these mottoes filled the heavens.

Every part of the executive branch of the Government that had to do with furthering, prosecuting, or aiding the war and all semi-official civilian agencies used these slogans freely and fully in seeking to further the cause of this world war.

Furthermore, no branch of the Government and no officials or functionaries of the Government of any consequence ever raised any objection, or ever questioned the right of the peace magistrates of the country in declaring world democracy, universal liberty, universal humanity, as being the official and accepted purposes of the war.

Not only that, but the other allied nations accepted the President of the United States as the official spokesman, and their prime ministers and leaders adopted the same purposes as the object of the world war. It was said on every hand by the magistrates of those countries, by the constituted authorities of those countries, and by the newspaper organs of those countries that if the forces that were fighting Germany won the victory we should have the establishment of a new order of things for the betterment of the condition of the individual, and especially for the rights of the weaker peoples. Therefore, Mr. Chairman, the Equal Rights League feels that it is fit and proper, and that it is imperative, in order that the purposes of this war may not fail of fulfillment, in order that those who died on the field of battle—and among them were soldiers of every race and color—may not have died in vain in the great struggle, and in order that we may truly have now the reign of world democracy and of universal liberty, that there should be an amendment to the peace treaty as it has come from the conference at Paris. To that end the Equal Rights League desires to submit two amendments for your consideration, as follows. [Reading:]

RESERVATION TO ARTICLE 23 OF PART 1 OF THE PEACE TREATY IN THE FORM OF AMENDMENT TO SECTION B OF AFORESAID ARTICLE, OFFERED BY THE NATIONAL EQUAL RIGHTS LEAGUE OF THE UNITED STATES OF AMERICA.

The section referred to reads as follows:

"The members of the league undertake to secure just treatment of the native inhabitants of territories under their control."

The petitioners (the National Equal Rights League), representing and voicing the sentiments of the 14,000,000 colored Americans, earnestly hope and fervently pray that your honorable committee will give to the amendment (which we herewith offer to be incorporated in the peace treaty) the distinguished consideration which has characterized your dealing with the momentous subject. Your petitioners (the National Equal Rights League), profoundly grateful, Mr. Chairman, for this opportunity to be heard for their cause, in urging the consideration and adoption of this amendment, are pleading for the life, liberty, and labor of 14,000,000 colored Americans.

AMENDMENT.

In Article 23, section B, of part 1, after the word "control" add the following words: "And agree to vouchsafe to their own citizens the possession of full liberty, rights of democracy, and protection of life, without restriction or distinction based on race, color, creed, or previous condition."

In lieu thereof, if that be rejected, the following is offered as Part XVI.

The CHAIRMAN. Part XVI of article 1?

Mr. TROTTER. No; to be added to the treaty at the end of it.

Senator KNOX. The last part is XV.

Mr. TROTTER. This is to be a new part. [Reading:]

AMENDMENT TO THE PEACE TREATY, PART XVI, OFFERED BY THE NATIONAL EQUAL RIGHTS LEAGUE OF THE UNITED STATES OF AMERICA.

In order to make the reign of peace universal and lasting, and to make the fruits of the war effective in the permanent establishment of true democracy everywhere, the allied and associated powers undertake, each in its own country, to assure full and complete protection of life and liberty to all their inhabitants, without distinction of birth, nationality, language, race, or religion, and agree that all their citizens, respectively, shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language, or religion, and all citizens of the members of the league who belong to racial or religious minorities differing in race or religion from the majority of the population shall enjoy the same treatment and same security in law and in fact as all persons of the majority race or religion.

Senator KNOX. Does this mean in their own country or in all countries?

Mr. TROTTER. This is for each one of the allied and associated powers to guarantee these things for their own citizens in their own country.

Senator KNOX. Not for citizens of other countries?

Mr. TROTTER. Not for the citizens of other countries.

Mr. Chairman, I think it is hardly necessary to go into the question of the great need of the protection of life and of equality of rights for the colored American minority. In the treaty with Austria, in the treaty with Poland, and with other countries there are clauses similar to this, for the protection of the racial minorities, adopted by the peace conference. There are none of those racial minorities who suffer the denials of democracy and the insecurity of life and liberty which are suffered by the colored American minority in this country; and we beg of the committee that they will adopt one or the other of these amendments, in order that the terrible condition, the deplorable condition, the cruel condition that exists in this country for colored Americans, 98 per cent of whom are native-born citizens, shall be discontinued, and that they, with all other nations on the earth, shall come into the enjoyment of full democracy, of full equality of rights, of full liberty, of full protection of life, and that they may have a chance for the pursuit of happiness.

The CHAIRMAN. The next name which you have given us here is that of Mr. Allen W. Whaley, of New York.

Mr. TROTTER. Yes.

STATEMENT OF MR. ALLEN W. WHALEY.

Mr. WHALEY. Mr. Chairman and gentlemen of the Foreign Relations Committee of the United States Senate, it would seem that my colleague has said sufficient upon this subject, and I simply want to emphasize the justice, practicability, and absolute necessity for an amendment of this kind if the purposes for which we fought in France and elsewhere were true.

I think the first reason why this amendment to the constitution of the league of nations should be written into that constitution is the gratitude that these signatory powers should show to those people who sustained them in the hour of dire distress; for without those black soldiers from all parts of the world helping England, helping France, and helping the United States, the outcome would have been doubtful. That statement has been made by many a critic, and I think everybody who is just will say so. I speak for Afro-Americans. I am not hyphenating the black man, because he is a real American. Most of the white Americans who are here can be hyphenated, but the black American can not be. He came here against his will in 1619, and just a little before that according to critical history, and he has been here ever since, and there has not been much immigration either, but he is here in much larger numbers than it was expected perhaps that he would be at this time.

In order that the United States may obliterate some of the disgrace which has been brought upon it by the maltreatment of the most loyal section of its citizenry, I think they should joyfully adopt this amendment to the constitution of the league and encourage the hearts of 15,000,000 Afro-Americans.

I think that this would be a sign that the country wants to put down mob violence and put down the lynching of black men, and black women, and black children in the Southland. I think that this would be a sign that she wants the escutcheon of America to be without a tarnish. The escutcheon of this country has been a reproach throughout the land on account of the awful, horrible treatment of black Americans here. And this adoption would show that the people who think well and the people who believe well mean business.

This is an age of reconstruction. Mr. Lloyd-George said that what is settled by the peace conference is settled in some particulars forever, and he said if not forever it will be for a long time, for an indefinite time to come, and that the peace conference was for the purpose of reconstructing the world, and that reconstruction was to be based upon fundamental justice. And just now the American Government in every way that it can should try to right all the wrongs of all the centuries toward the black American, because, of course, the black American has already given notice that what he suffered in the past he will not tolerate in the future. He means business now. There can be no compromise. They are going to hang the traitors among them and they are going to see that the right men and the right women are in front, and the battle is going to be fought for human liberty and for human rights.

The Declaration of Independence meant something to the white Americans, but it did not mean anything to the colored Americans.

They were not included in that masterful parchment, but they are going to strive to make the Declaration of Independence a significant document for every citizen that breathes under the Stars and Stripes. And also the three war amendments, the thirteenth, fourteenth, and fifteenth amendments of the Constitution; we are going to have them effective in Mississippi as well as they are in Massachusetts. And I am sure that this amendment to the constitution of the league of nations would have a significance that would be an encouragement to our people everywhere.

I know I speak drastically, but with justice. We want in this country real justice, justice for all citizens, and we want our Constitution, beautiful as the language is, beautiful as the sentiments are, to be a real thing and not a mere sign of nothing.

We believe that this committee is willing to do what is right. I believe that this committee is hearing us to-day because it wants to know just what we want, and we are not representing only a few people here. We are representing 15,000,000 black Americans in the United States. You say, "Are there as many as that?" Oh, yes. We have done a little work in taking the census ourselves. We have not left it all to the United States Government. The Government has not found all the black people in this country. They never did get all of them. When the census was taken they were left out. I thank you.

STATEMENT OF MR. JOSEPH H. STEWART, WASHINGTON, D. C.

Mr. STEWART. Mr. Chairman, and gentlemen of the committee, the Equal Rights League in coming before you on these two propositions have an object that is not only beneficial in its effect in the United States, but it will benefit the world. We are endeavoring as far as we possibly can to prevent the occurrence in other countries of what we have in this country, what we call the race problem. Now the race problem in this country resolves itself into this. It is nothing more or less than this. It simply means that our object at least is for the production of justice between the white man and the black man, whenever and wherever they come in touch one with the other. That is the problem, to produce justice between these two men. And we want that problem—that is the point that we are advocating, and that is what we want enforced through those nations that signed the treaty of peace with the league of nations. We know perfectly well what troubles we have had in this country. There has been a great deal of confusion about this problem. They call it a negro problem. It is not a negro problem at all. It is a problem of effecting justice between white men and black men whenever they come in touch one with the other. And, Mr. Chairman, we urge upon the committee to take this matter under serious consideration, considering this, that that is the object of the Equal Rights League in this country, and we hope and pray that you will see fit, after due consideration of the matter, that you will annex either one of these amendments to the treaty of peace which is to be signed by the league of nations. I thank you.

STATEMENT OF MR. J. H. NEILL, WASHINGTON, D. C.

Mr. NEILL. Mr. Chairman and gentlemen of the committee, I have just one thought that I would like to give the committee on this subject and that is with reference to the universal unrest among our people in this country to-day. Now, for that there must be a cause, and the National Equal Rights League has endeavored to find out the cause of this unrest. I know that the gentlemen of the committee are conversant with some of the Negro publications, and they have been able to discover somewhat the trend of thought among the leaders of our people in this country. You will have noticed that some of them are advocating that we join various movements relative to labor, and social organizations, and other lines, but the Equal Rights League believes that primarily and fundamentally the real source of assistance and benefit to our people is the constituted authorities of this country, who have in their hands the enactment and enforcement of the laws by which we are governed.

Therefore we come before this honorable committee and we ask that the amendments proposed, one or the other, be adopted as being the most direct and easy way of effecting the results that we desire. We do not believe that by indirect methods we can accomplish what we can by direct methods, therefore we believe that if this committee, in its wisdom and foresightedness, will go into this matter and think of the colored citizens of this country as a part of the body politic and not as a separate race, or as separate individuals, but that it is a component part of this Nation, and that this Nation must rise or fall, not by the advancement or achievement of a part of its citizenship, whether that part be black or white or whatnot, but it is by the united advancement of all the complex nationalities and racial units that compose the citizenship of this country.

We therefore ask the careful and earnest consideration of this committee of the propositions proposed, believing that if they go into this subject and looking at it not from the Negro's standpoint merely, not from the white man's standpoint, but from the standpoint of the universal good that will come to this country, if not the suggestions made by us then others, that will secure to us the things that we desire, they will be encouched in this document which you are considering. I thank you.

Mr. TROTTER. Is there a moment?

The CHAIRMAN. I think there is, Mr. Trotter. Yes; you have 10 minutes.

Mr. TROTTER. I would like to submit as a part of our hearing these documents which were presented to the peace conference in Paris by the delegate from this country, the secretary of the league.

The CHAIRMAN. Would you like to have those inserted in the record?

Mr. TROTTER. Yes; included in the record.

(The documents referred to are here printed in the record, as follows:)

NATIONAL EQUAL RIGHTS LEAGUE OF UNITED STATES OF AMERICA,
36 RUE STE. ANNE, HÔTEL DU BON PASTEUR,
Paris, 15 May, 1919.

HONORABLE SIR: As delegate to Paris of the National Equal Rights League of the United States of America and secretary of the delegation of petitioners of

the world peace conference for real and full democracy so notoriously denied Americans of color, I have the honor to transmit to you for your consideration and action thereon as a delegate of the world peace conference the following protest and petition in brief for and in behalf of all colored Americans, a copy of which was sent on May 7, 1919, to the president and secretary of the conference, and the chairman of the delegations of the United States of America, of Great Britain, and of Japan, at Versailles. A formal communication supplementary thereto will be transmitted later.

I sincerely trust you will be able to see the imperative need of recognizing this claim for democracy. Please do me the favor of acknowledging receipt of this letter.

Respectfully submitted.

WILLIAM TROTTER,
Delegate to Paris and Secretary of Petitioners to World Peace Conference.

PARIS, FRANCE, *14 Mai, 1919.*

PARIS, FRANCE, *May, 1919.*

Being informed that the world peace treaty ignores the petitions for abolition of the undemocratic color discrimination National Equal Rights League of the United States of America, the secretary of whose delegation of petitioners has just arrived this afternoon, because of autocratic race restrictions, hereby deplores this grave injustice in behalf of 14,000,000 colored Americans who commissioned the league by a national colored congress held at the Federal Capital of the United States of America, to seek fulfillment of the promises made during the war of democracy for the world. The league protests this awful violation of the war promises of the entente allies and insists pledge should yet be kept in final peace document.

WILLIAM TROTTER, *Secretary.*

[Copie traduite.]

PARIS, *7 mai, 1919.*

Etant informée que le traité mondial de Paix ignore les pétitions tendant à l'abolition du préjugé antidémocratique de couleur et le secrétaire d'une Délégation de pétitionnaires étant arrivé cet après-midi à cause des restrictions de race de caractère autocratique, la Ligue Nationale des Droits Égaux des Etats Unis d'Amérique déplore cette grave injustice faite au détriment de 14 millions d'Américans de couleur qui ont chargé la Ligue, à un Congrés National des Gens de Couleur tenu dans la capitalie Fédérale des Etats-Unis d'obtenir l'exécution des promesses faites par les Alliés pendant la guerre de la Démocratie pour tous. Le Ligue proteste contre cette violation flagrante des promesses faites pendant la guerre par les Alliés et insiste pour qu'il doive en être tenu compte dans l'instrument final de la Paix.

WILLIAM TROTTER, *Secretary.*

[Copy.]

OFFICE OF THE SECRETARY OF THE NATIONAL EQUAL
RIGHTS LEAGUE DEMOCRACY CONGRESS,
906 T STREET NW.,
Washington, D. C.

This is to certify that the National Equal Rights League Democracy Congress, representing the 14,000,000 colored Americans in the United States, in convention assembled, did on December 18, 1918, elect and commission William Monroe Trotter, of Boston, Mass., as one of the nine delegates elected for similar purpose, to present the petition of said Congress to the world peace conference, asking for the abolition of discrimination, proscription, and restricted democracy based on race or color, in all countries where such discrimination, proscription, and restricted democracy are practiced, and thus hasten the ushering in among the peoples of the world and time when every man shall see in every other man his brother and in God the Father of us all.

Done by order of the National Equal Rights League Democracy Congress at Washington, D. C., this 27th day of January, A. D. 1919.

JAMES L. NEILL, *Recording Secretary.*

COLORED AMERICA'S PROTEST AND PETITION FOR WORLD DEMOCRACY TO THE WORLD PEACE CONFERENCE—COLORED AMERICAN DELEGATE NOW IN PARIS REPRESENTS THE ORGANIZED ACTION AND DESIRE OF COLORED AMERICAN PEOPLE AS A RACE—THE NATURE OF THE NATIONAL COLORED WORLD DEMOCRACY CONGRESS AND ITS ACTION WITH REGARD TO THE WORLD PEACE AGREEMENT.

PARIS, *May 24, 1919.*

At Chicago, Ill., September 17–20, 1918, the eleventh annual meeting of the National Equal Rights League of the United States of America, in accordance with the official call of the convention, and with 90 delegates from 22 States, voted to call a national colored representative congress to select delegates to proceed to the world peace congress at the termination of the fighting to ask for the enjoyment of full world democracy by the colored people of the United States. The date was set back because of the early surrender of Germany.

The official call was as follows:

"The time having come in the dispensation of Almighty God when, by, and through a terrible world war of blood and devastation the doctrine of world democracy has become the slogan and avowed policy of allied nations in two hemispheres, and colored Americans being still the victims of caste discriminations of the most drastic kind with regard to civil and political rights and even the right to life itself, an historic and imperative call has come to colored America to exhaust every peaceable means to bring to pass the end of the undemocratic condition in which they alone, of all citizens, live in the country which is the moral leader and military savior of the allied nations. Hence the National Equal Rights League, to carry out the vote of this body to have the cause for the enjoyment of full democracy by colored Americans presented at the world peace negotiations and that such representatives may be the chosen delegates of colored America, shall call a national equal rights representative congress at the National Capital on or after January 1, 1919, to elect such peace petitioners for this, the only group denied democracy in the United States of America.

Delegates at this representative congress shall be elected on the following basis: Every colored community is hereby invited and authorized to send delegates through the organization of equal rights leagues. Every such league already or hereafter organized shall be entitled to send one delegate to this representative assembly and an additional delegate for each 50 members over the first 50. Every local religious, labor, civic, fraternal organization of the race may on request to the corresponding secretary of the league become officially an affiliated member and send delegates to this assembly, one for every 50 members.

Every national organization for the rights of colored Americans shall be entitled and invited to send two delegates at large, each such delegate to be entitled to one vote.

The executive officers of this league, the president, secretary, treasurer, chairman of executive committee of the District of Columbia branch, and the national executive committee shall issue the call and make the arrangements for this representative assembly.

The registration fee for delegates shall be $1.

This representative assembly shall elect the race petitioners for the errand to the seat of peace negotiations for full democracy for colored Americans.

N. B.—Race loyal citizens are eligible to form equal rights leagues and notify the corresponding secretary, W. Monroe Trotter, 34 Cornhill, Boston, Mass.

THE COMMITTEE.

Wm. Monroe Trotter, Massachusetts, *chairman;* Rev. A. A. Burns, Georgia, *secretary;* Lieut. J. T. M. Graham, Tennessee; Rev. A. C. Powell, New York; Jos. H. Stewart, District of Columbia; Rev. B. J. Prince, Illinois; Rev. J. R. Little, Mississippi; Dr. Wm. Howard, South Carolina; J. B. Coleman, Missouri; Rev. B. P. Maddox, Illinois; N. S. Taylor, Mississippi; E. T. Morris, Massachusetts; Rev. J. D. Gordon, California; Rev. Wm. B. Baber, Michigan; Lee L. Brown, Kentucky; Edw. Richardson, Oklahoma; Rev. E. W. Moore, Ohio; Rev. H. D. Prowd, California.

December 16, 1918, the Colored World Democracy Congress was held by the league with 250 delegates from nearly 40 States. The following were elected as race petitioners to the world peace conference: Rev. M. A. N. Shaw, Boston,

Mass.; N. S. Taylor, Esq., Greenville, Miss.; Rev. W. T. Johnson, Richmond, Va.; Bishop L. W. Kyle, St. Louis, Mo.; Rev. J. R. Ransom, Wichita, Kans.; William Monroe Trotter, secretary, Boston, Mass.; Rev. R. H. Singleton, Atlanta, Ga.; Mrs. Ida B. Wells Barnett, Chicago, Ill.; Mrs. C. J. Walker, New York, N. Y.; Rev. W. D. Carter, Seattle, Wash.; Rev. David S. Klugh, Boston, Mass.

The spirit and purpose and action of this congress and the duties of these race petitioners were publicly declared in the following "Address to the World," which was unanimously adopted and given to the American press:

ADDRESS TO THE COUNTRY AND THE WORLD, ADOPTED BY THE NATIONAL COLORED CONGRESS FOR WORLD DEMOCRACY, UNDER THE AUSPICES OF THE NATIONAL EQUAL RIGHTS LEAGUE AT WASHINGTON, D. C., DECEMBER 18, 1918.

Colored America, through delegates assembled from 37 of the United States of America, sore and bleeding with persecution because of race and color, hails with hope, peace with victory, for the motto on the banners of the armies of the victors was "Away with tyranny and its injustice everywhere." Speaking for 14,000,000 colored Americans, the National Colored Representative Assembly for World Democracy, under the auspices of the National Equal Rights League, congratulate their fellow countrymen and their Government on being the instrument by which the God of Righteousness turned the tide of battle for the forces of liberty.

WAR PUT ON WORLD BASIS AS TO THE RESULTS.

Two hemispheres and two oceans furnished without regard to race or color the armies of this bloody and terrible war. Shameful it would be if its close did not mark a new human era. To the President of our Republic, Commander in Chief of our Army and Navy, it was given to name the principles on which the winners fought this war, and its purpose. By his declaration, accepted by France, Britain, and the rest openly before the human race, the principles and the aim of this war were put upon a world basis. Secondly, these principles and aims were for the wiping out of autocracy, inhumanity, and injustice, and for the establishment of world justice, world humanity, and world democracy.

WRONGS TO INDIVIDUAL ON WORLD BASIS FOR REDRESS.

With the ushering in of the new year, 1919, the nations of the world are assembled to settle the terms of peace for the world, for the establishment everywhere of the principles for which this World War was waged by the forces of democracy.

Therefore every denial or violation of justice, humanity, and democracy has become a matter for correction and abrogation on a world basis by a world court.

Hence, colored America, which furnished 400,000 brave soldiers for this war backed by over 14,000,000 loyal citizen-soldiers without a traitor, appeals to the allied world for justice and democracy in the peace settlement.

UTTERLY UNDEMOCRATIC TREATMENT OF COLORED CITIZENS OF UNITED STATES OF AMERICA.

Citizens by law of the United States of America, the famous Republic of the West, we first appeal to the civilized world for the discontinuance of all race or class discrimination in the world peace settlement. At this supreme moment in the cause of universal humanity, when wrongs to man should be banished, we must call world attention to the utterly undemocratic conditions under which every person of color is forced to live in this country. Because of race autocracy, our color in the Nation's Capital deprives us of every civil right except in public carriers and subjects us to rejection or to the restriction of the Ghetto as employees of the Federal Government. Otherwise our color in many parts of the country deprives us of every civil, political, social, and judicial right, subjects us to obloquy, imposition, deprivations, injustices, cruelties, atrocities worse in degree than exist anywhere else in Christendom. Segregation in public carriers, disfranchisement, lynching, are essentially violations of that world democracy for which the war was fought.

SELF-DETERMINATION FOR DARKER NATIONS.

That the tremendous material and appalling human losses of this World War may not be without result for good, we appeal to the peace conclave to grant self-determination and rights without discrimination to all of the darker nations.

APPEAL BY RACE PETITIONERS FOR UNIVERSAL ABOLITION OF COLOR PROSCRIPTION.

On our part we shall send race petitioners to the assembly of the representatives of the civilized world meeting to make good the promise of the victors in the World War, to petition for the abolition of autocracy of race against colored persons everywhere, and to appeal to this world court for the discontinuance of color proscription and all distinctions based on color, civic, political, and judicial in every nation as an article of the peace agreement, that the world may be remade truly on the basis of the liberation of the peoples of the earth, and of the enjoyment by every human being of world democracy.

ELSE THERE IS NO "NEW DAY."

For without this there will not be the dawning of a new day of democracy, nor of a new era of permanent peace after the most terrible and gigantic war ever known, embracing two hemispheres in a death grapple between the forces of autocracy and of democracy.

THE COMMITTEE ON ADDRESS.

William M. Trotter, Massachusetts, *Chairman;* Rev. P. C. James, New Jersey; Dr. W. T. Coleman, Maryland; Rev. M. L. Johnson, Arkansas; G. W. Goode, Virginia; Rev. W. L. Gibbons, Mississippi; Rev. W. McDonald, Connecticut, Atty, L. A. H.; Mrs. Ida B. Wells Barnett, Illinois; Dr. A. Walker, Louisiana; Dr. Porter Davis, Kansas; Rev. W. D. Carter, Washington (State); Dr. Chas. Sumner Long, Florida; R. W. Westberry, South Carolina; J. W. Ross, Minnesota; Bishop G. C. Clements, Kentucky; Atty. J. D. Ellis, West Virginia; Rev. C. V. Page, Missouri; Rev. Thomas W. Davis, Tennessee; Prof. L. B. Cash, Texas; W. C. Brown, District of Columbia; Dr. R. A. Whitaker, Oklahoma; Hon. Isaac B. Allen, New York; R. B. James, Michigan; G. W. Boyer, Ohio; Bishop J. S. Caldwell, Pennsylvania; Rev. J. C. McDaniels, New York; Rev. H. H. Jackson, North Carolina; Rev. John V. Goodgame, Alabama.

To all these delegates, the only ones elected by the colored citizens nationally to proceed to the seat of the peace conference, the United States State Department refused passports. The evident tyranny of the same magistrate who proclaimed world democracy as the object of the war refusing to permit the elected representatives of the element denied full democracy to petition aroused indignation, and so the Secretary refrained from applying to the State Department for passports and, acting within the law, arrived only after an effort of three months.

THE CLAUSE PETITIONED FOR.

Noting that the commission on the league of nations was to consider amendments at sessions beginning March 22, the league cabled a petition to this commission, on which the Secretary has written Mr. Trotter, the secretary, at Paris as follows:

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, 16 May, 1919.

DEAR SIR: In reply to your letter received by me on the 16th I beg to state that a cablegram petition of the National Equal Rights League of the United States (without date) was received in Paris on the 24th of March.

An accurate copy of the cablegram as it was received is inclosed in accordance with your request.

Sincerely, yours,

W. H. SHEPHARDSON,
Secretary of the Commission on the League of Nations.

WILLIAM TROTTER, Esq.,
Hotel du Bon Pasteur, Paris.

The inclosure read: "X 264/24 New York 134 1/53. League of Nations Commission Peace Conference, Paris."

Fourteen million colored Americans, soldiers and civilians, who helped win war, through National Equal Rights League in national convention, December, petition peace conference in fulfillment of war promises of democracy for everyone to incorporate in league covenant following clause: Real democracy for world being avowed aim of nations establishing league of nations high contracting powers agree to grant their citizens respectively full liberty, rights of democracy, protection of life without distinction based on race, color, or previous conditions.

Elected petitioners: Matthew Shaw, Massachusetts; Nathaniel Taylor, Mississippi; W. Johnson, Virginia; Bishop Kyle, Missouri; J. Ransom, Kansas; W. Trotter, Massachusetts; R. Singleton, Georgia; Ida Barnett, Illinois; Madam C. Walker, New York; Wm. Carter, Washington; David Klugh, Massachusetts. Committee: Thomas Walker, Byron Gunner, Allen Whaley, Maurice Spencer; James Neill, secretary, Washington, D. C.

Delegate and Secretary Trotter arrived in France and reached Paris early on the afternoon of May 7, 1919, to find on May 8 that the petition of colored America had been denied by the peace conference in the preliminary peace agreement delivered to the plenipotentiaries of Germany. On May 7 Secretary Trotter telegraphed to Versailles to President Clemenceau and Secretary Dutasta, of the peace conference; to Marshal Foch, to President Wilson, Mr. Lloyd-George, Baron Makino, and Mr. Orlando, heads of peace declaration of the five great powers, the following protest:

PARIS, FRANCE, *May 7, 1919.*

Being informed that the world peace treaty ignores the petitions for abolition of the undemocratic color discrimination, the National Equal Rights League of the United States of America, the secretary of whose delegation of petitioners has just arrived this afternoon because of autocratic race restrictions, hereby deplores this grave injustice in behalf of 14,000,000 colored Americans who commissioned the league by a National Colored Congress held at the Federal Capital of the United States of America to seek fulfillment of the promises made during the war of democracy for the world. The league protests this awful violation of the war promises of the entente allies and insists pledge should yet be kept in final peace document.

WILLIAM TROTTER,
Secretary.

On May 15 Secretary Trotter inclosed the above telegram in English and French and a copy of his credential with the following letter to every delegate to the peace conference:

NATIONAL EQUAL RIGHTS LEAGUE OF UNITED STATES OF AMERICA,
36 RUE SAINTE-ANNE, HOTEL DU BON PASTEUR,
Paris, 15 May, 1919.

DELEGATE OF ——— TO WORLD PEACE CONFERENCE,
Paris.

HONORABLE SIR: As delegate to Paris of the National Equal Rights League of United States of America and secretary of the delegation of petitioners to the world peace conference for real and full democracy so notoriously denied Americans of color I have the honor to transmit to you for your consideration and action thereon as a delegate to the world peace conference the following protest and petition in brief for and in behalf of all colored Americans, a copy of which was sent on May 7, 1919, to the president and secretary of the conference and the chairman of the delegation of the United States of America, of Great Britain, and of Japan at Versailles. A formal communication supplementary thereto will be transmitted later.

I sincerely trust you will be able to see the imperative need of recognizing this claim for democracy. Please do me the favor of acknowledging receipt of this letter.

Respectfully submitted.

WILLIAM TROTTER,
Delegate to Paris and Secretary of Petitioners to World Peace Conference.

PARIS, FRANCE, *14 Mai, 1919.*

The copy of credential was as follows:

[Copy.]

OFFICE OF THE SECRETARY OF
THE NATIONAL EQUAL RIGHTS LEAGUE DEMOCRACY CONGRESS,
906 T STREET NW.,
Washington, D. C.

This is to certify that the National Equal Rights League Democracy Congress, representing the 14,000,000 colored Americans in the United States, in convention assembled, did on December 18, 1918, elect and commission William Monroe Trotter, of Boston, Mass., as one of the nine delegates elected for similar purpose, to present the petition of said congress to the world peace conference, asking for the abolition of discrimination, proscription, and restricted democracy based on race or color in all countries where such discrimination, proscription, and restricted democracy are practiced, and thus hasten the ushering in among the peoples of the world the time when every man shall see in every other man his brother and in God the Father of us all.

Done by order of the National Equal Rights League Democracy Congress, at Washington, D. C., this 27th day of January, A. D. 1919.

JAMES L. NEILL,
Recording Secretary.

Herein and herewith is heard the voice of this portion of the American people, in number more than one-tenth of the population, ever loyal, and giving men and money freely for the Entente Allies, now petitioning for guarantee in the world peace agreement of share in the promised world democracy for "Liberté, Egalité, Fraternité."

WILLIAM TROTTER,
36 Rue Sainte-Anne.

PARIS, *May 24, 1919.*

AN OPEN APPEAL TO THE COUNCIL OF FIVE.

To the supreme council of the five great powers of the allied and associated nations, M. Georges Clemenceau, France, president; Wodrow Wilson, United States of America; Hon. Lloyd-George, British Empire; M. Orlando, Italy; Baron Makino, Empire of Japan.

HONORABLE SIRS: Greetings to the victors from the National Equal Rights League of the United States of America.

In the name of the colored millions of America we address you in this an open letter and appeal, and for the cause of world democracy and permanent world peace.

From the official records of the Congress of the United States of America, the House of Representatives, published in the Congressional Record, June 29, 1918, we quote governmental conditions for 14,000,000 Americans.

First. We are the victims of civil proscription, solely because of race and color, in three-fourths of States and in the National Capital (Federal territory), barred from places of public accommodation, recreation, and resorts—yes, from such places within Government buildings.

Second. We are the victims of class distinctions based solely on our race and color in public carriers in one-third of the States, segregated even when passengers in interstate travel and with the railroads under the control of the Federal Government.

Third. We are the victims of caste and race prejudice in Government, military, and naval schools and in officer schools with other citizens solely on the basis of race and color, and in the Navy itself, except in the service below deck.

Fourth. We are the victims of proscriptive discrimination, based on our race and color, in the executive departments of the Federal Government, refused employment in many after appointment through the civil service, segregated at work, in the appointments of health and comfort.

Fifth. We are the victims of political proscription in one-third of the States, even in the election of Federal official, in violation of the Federal Constitution, both indirectly by congressional representation based on disfranchisement and directly through intimidation, trickery, or State statutes and constitutions.

Sixth. We are the victims in many States, as consequence of the foregoing civil and political proscriptions of imposition, robbery, ravishing, mob violence, murder, and massacres, because of our race and color, denied protection of police, of sheriffs; denied trial by court and jury, rendered impotent to protect our daughters, wives, or mothers from violation by white men or murder by the mob.

All these conditions, thus declared by the National Colored Liberty Congress, assembled at Washington, and presented to the Congress by the present Speaker of the House of Representatives, are still facts.

We quote further from the same Record: "Our President, Woodrow Wilson, now the moral leader and spokesman of the allied nations who are resisting German aggression, having officially declared that our country has 'entered the fight for the purpose of democratizing the nations of the world and liberating free peoples everywhere'; that 'we are embarked upon an enterprise which is to release the spirits of the world from bondage'; that we are 'fighting for the rights of those who submit to authority to have a voice in their own govrnment,' to 'make the world at last free,' for 'security for life and liberty,' to 'make the world safe for democracy.'"

To this add President Wilson's message to his country when the war was won: "The armistice was signed this morning. Everything for which America fought has been accomplished. It will now be our fortunate duty to assist by example, by sober, friendly counsel, and by material aid in the establishment of just democracy throughout the world," with his words to the French nation in January, 1919:

"America in coming into this war thought that all the world had now become conscious that there was a single cause of justice and of liberty for men of every kind and place."

Add, also, the words in the message of congratulation to President Wilson on the victory won by the Prime Minister of Great Britain:

"I feel sure that at the peace conference we shall be able to cooperate faithfully to promote the reign of peace, with liberty and true democracy throughout the world."

Then add the noble words of the Premier of France, Monsieur Clemenceau, to President Wilson on Memorial Day for the dead soldiers:

"Those sons of America who succumbed in our common battle for justice and for right repose in our fields where the liberty of the world was won."

Oh, honorable plenipotentiaries of an agreement for democracy for all, shut not your eyes to this awful disgrace of democracy.

Honorable commissioners of perpetual peace, imagine not that with such a scandal on humanity untouched your peace is just or will endure. There will be no peace secure until the color line in rights is effaced.

Hear ye our petition that the same protection of equal rights and life for the ethnical minorities which you require for the Jews in vanquished Austria and restored Poland you agree in your compact and league of nations shall be vouchsafed to the citizens respectively of the allied and associated powers.

For so long as a woman advanced in holy pregnancy can be hung with impunity, by her heels, to the limb of a tree by the mob, her abdomen ripped open, and the head of the babe crushed under heels of the lynchers, as suffered the late Mary Turner, in Georgia, in the last year of this world war, the world has not been made a "fit place to live in," nor has frightfulness vanished from the earth with the Prussian empire.

Hear ye the petition of colored America.

SECRETARY AND DELEGATES TO PARIS.
10 Place de la Bourse, Paris.

JUNE 21, 1919.

Mr. TROTTER. I would also like to have included in the record the petition of the liberty congress which will be found in the Congressional Record of June 29, 1918, and which gives the desires and the pleas and the demands of the colored Americans.

These, Mr. Chairman, are the discriminations and the denials of democracy of which we especially complain, and for the abolition of which we ask this amendment to the peace treaty. (Reading):

First. We are the victims of civil proscription, solely because of race and color, in three-fourths of the States and in the National Capital (Federal ter-

ritory), barred from places of public accommodation, recreation, and resort; yes, from such places within Government buildings.

Second. We are the victims of class distinction, based solely on our race and color, in public carriers in one-third of the States, segregated even when passengers in interstate travel and with the railroads under the control of the Federal Government.

Third. We are the victims of caste and race prejudice in Government military and naval schools and in officer schools with other citizens solely on the basis of race and color, and in the Navy itself, except as to the service below deck.

Fourth. We are the victims of proscriptive discrimination, based on our race and color, in the executive departments of the Federal Government, refused employment in many after appointment through the civil service, segregated at work, in the appointments of health and comfort.

Fifth. We are the victims of political proscription in one-third of the States, even in the election of Federal officials, in violation of the Federal Constitution, both indirectly by congressional representation based on disfranchisement and directly through intimidation, trickery, or State statutes and constitutions.

Sixth. We are the victims in many States, as a consequence of the foregoing civil and political proscriptions of imposition, robbery, ravishing, mob violence, murder, and massacre, because of our race and color, denied protection of police or sheriffs; denied trial by court or jury, rendered impotent to protect our daughters, wives, or mothers from violation by white men or murder by the mob.

Inasmuch as our country is now engaged in the most gigantic war in recorded history, going to Europe to fight, our President, Woodrow Wilson, now the moral leader and spokesman of the allied nations which are resisting Germanic aggression having officially declared that our country has entered the fight for the purpose of democratizing the nations of the world and liberating the free people everywhere, that we are embarked upon "an enterprise which is to release the spirits of the world from bondage," that we are "fighting for the rights of those who submit to authority to have a voice in their own government," to "make the world at last free" for "security for life and liberty," to "make the world safe for democracy" which, meaning rule of all people, necessarily carries the presumption of the same public rights for all without difference or distinction because of the accidents of race or creed, thereby not creating class privilege, which means autocracy.

Inasmuch as American citizens irrespective of race or color are subject to draft, or are drafted into fighting, while all citizens regardless of race are expected to aid the Government by moral support, by propaganda, by sacrifice at home to help the Government, all of which our racial element is now doing with a loyalty unsurpassed by citizens of any race or color in every war, and, even now, under present treatment, morally greater than that of others because the only vicarious loyalty;

In order that our country may not be weakened in moral position, prestige and power by violations here of the noble pronouncements of its President;

In order that the morale and esprit de corps in this war, both of the soldier and of the civilian part of an element of the American, nearly one-eighth, may not be weakened by the consciousness of the present denials to it at home of those conditions and ideals which they are sacrificing or are risking life to secure for others, with their soldiers witnessing the continuance of indignities, oppressions, and killing of their kin ere they leave for the battle front abroad, and without assurance of protection of their family, their sisters, wives, mothers from the lynching mob;

In order that, when this awful World War is over and victory comes to the Entente Allies, the condition of life of 12,000,000 human beings in the United States of America may not prevent the awful sacrifice from accomplishing the war's moral purpose—democratizing of the nations of the world—and that our own Republic may not be a part of the world not safe for democracy;

We do now petition you, the Congress of the United States of America, as an act of justice, of moral consistency, and to help win the war for world democracy:

First. To abolish and forbid all distinctions, segregations, and discriminations based upon race or color in places of public accommodation, recreation, and resort in Federal buildings and in Federal territory.

Second. To abolish and forbid all distinctions, segregations, and discriminations based upon our race and color or upon prejudice of race or color in the

emoluments, the rating, the promotions, the placement of employees in the facilities provided by the Government for eating, rest, recreating, health for Government employees, or for others in Federal Government buildings or in Federal hospitals.

Third. To abolish and forbid any distinction, separation, or discrimination based on race or color in any coach of any public carrier operated by the Federal Government.

Fourth. To open the doors of all schools of the Federal Government and all branches of the Army and Navy to citizens on the same basis, without distinction or discrimination based on race or color.

Fifth. To exercise the mandatory powers of the thirteenth, fourteenth, and fifteenth articles of the Federal Constitution, to the end that there shall be no involuntary servitude, no denial of the equal protection of law, no denial of the exercise of suffrage because of race, color, or previous condition.

Sixth. To pass legislation extending the protection of the Federal Government to all citizens of the United States of America at home by enacting that mob murders shall be a crime against the Federal Government, subject to the jurisdiction of the Federal courts, for in the words of President Wilson, "Democracy means, first of all, that we can govern ourselves."

Herewith endeth the petition of the colored Americans asking that the words of the President of the United States of America be applied to all at home:

"As July 4, 1776, was the dawn of democracy for this Nation, let us on July 4, 1918, celebrate the birth of a new and greater spirit of democracy, by whose influence we hope and believe that what the signers of the Declaration of Independence dreamed of for themselves and their fellow countrymen shall be fulfilled for all mankind."

Mr. Chairman, we ask this amendment to the peace treaty not only for the protection of our own racial minority, but from the standpoint of patriotic Americans. This amendment, Mr. Chairman, is in accord with the principles of the Declaration of Independence and the principles of the Federal Constitution. In effect it means that they both shall be carried out in letter and in spirit.

Mr. Chairman, we also ask this amendment in behalf of the security of lasting peace. We hate to say it, Mr. Chairman. We are a peace-loving race of people, the most peaceable, the most long-suffering on the face of the earth. But, Mr. Chairman, the oppression of colored Americans by their fellow white Americans is getting to the point where unless the governmental authorities, State and National, take hold of the situation and put their feet down firmly against this continuance, you nor I nor none of us can be assured that our own dear land shall be the land of peace, shall be without violence, shall be without insurrection, and shall be without war.

Mr. Chairman, that is true for two reasons. Now, when people all over the earth are getting respect, are getting liberty, and are getting equality, it becomes harder for any one race which is singled out alone for repression and inequality to endure in tranquillity that humiliation and that repression.

Not only is that so, Mr. Chairman, but the very fact that for everyone else there exist liberty and equality, increases the contempt of those who have their rights for this one element who are without their rights; and those two forces—an increasing contempt which is accompanied by an increasing aggression and an increasing inability of any race or class of people to endure humiliation and degradation—must, Mr. Chairman, unless the best men and women of this country, unless the Government itself, takes a stand against it, lead to something in this country which will be a breach of the peace of the world; and therefore, Mr. Chairman, our final plea for

this amendment is in the interest of everlasting world peace and the security of the law-abiding citizen in his home and property and possessions, everywhere.

Mr. Chairman, we wish to thank you for this hearing.

The CHAIRMAN. Those gentlemen who are here, who have come in with regard to the disposition of the German-African colonies, we will hear. The first name on the list given me is that of Dr. Joe T. Thomas, of Cleveland, Ohio.

STATEMENT OF MR. JOE T. THOMAS, OF CLEVELAND, OHIO.

Mr. THOMAS. Mr. Chairman, as a representative of the National Race Congress of America, I feel greatly honored by you allowing me to discuss with you, in whose hands rests the destiny of our Nation, the disposition of the German colonies in Africa.

I shall not touch German East nor German Southwest Africa, but I am here asking you to throw the strong arm of Uncle Sam around Kamerun, for I know our Government is the best prepared Nation to assume mandatory over this particular territory of 191,000 square miles and 4,500,000 natives.

The American Negro proved, as he has, that he is 100 per cent American in this world's war. He did his duty, fought, bled, and died for our country. He owes a duty to his African brothers in Africa. America, the light of civilization, can by assuming mandatory over Kamerun land, open a new world for the educated American Negro, under the direction of trained white American statesmen, soldiers, and diplomats.

We can start with, enforce national prohibition over the African mandatory, which will give us a sober territory of black wards, whose territory we need never to annex, nor whose subjects need we ever to accept as citizens of these United States. Ten or fifteen thousand American negroes could be recruited to police this mandatory and the trained American negro officers just out of the trenches can be utilized there under higher white officers.

Ten thousand American teachers under our civil service could be sent there to teach and instill American civilization in their minds. Then the American white and black man can work to make the principles of our Government paramount in that country of 200,000,000 blacks, which will ultimately give us commercial supremacy in Africa and open a new world for our merchants, manufacturers, farmers, and laborers.

These blacks will wear our cotton goods and thousands of mills will spring up all over our country to manufacture goods to meet the wants of these people, which will cause every available acre of cotton land in the South to be utilized to produce that staple, and this will cause labor in the field, mine, and factory to continue to be paid a high wage, causing living conditions among the poor in our country to advance to a higher state of perfection.

We have not touched the treasures hidden in the hills nor the caoutchouc oozing from the trees of the Kamerun. We will have a free port to this vast, rich, undeveloped country. With our trained American blacks we can capture the trade for our flag and country

and more speedily become the king of commerce, the mistress of the seas, the guardian of liberty and justice, and the defender of democracy.

Therefore, gentlemen of this committee, I ask to have the treaty of the peace conference amended to this end, to strike out the name of France as mandatory over the Camerom lands, and have the name of the United States of America inserted as mandatory over this particular African territory.

France has under her now over 50,000,000 Africans, and more colonies than her strength can properly manage. Now, after the great toll taken from her in men and money, she should not be burdened with other African possessions, which she will not be able to civilize and Christianize. I believe France would be grateful if our country would help in this great humanitarian work, and I know the United States would get the thanks and the sanction of all the civilized nations of the world if we took the mandatory over this African colony.

STATEMENT OF MR. W. H. JERNAGIN, OF WASHINGTON, D. C.

Mr. JERNAGIN. Mr. Chairman, the National Race Congress of America in addressing you believes that it is voicing the sentiments of the 15,000,000 of negroes of this country, and many of the darker races of the world.

The race congress desires that the natives of Africa shall have the right to participate in the government as fast as their development permits in conformity with the principle that the government exists for the natives, and not the natives for the government. They shall at once be allowed to participate in local and tribal government according to ancient usage, and this participation shall gradually extend, as education and experience proceeds, to the higher offices of state, to the end that, in time, Africa be ruled by consent of the Africans; and we believe that it can best be done under the protection of the United States. We desire that no particular religion shall be imposed and no particular form of human culture. There shall be liberty of conscience. The uplift of the natives shall take into consideration their present condition and shall allow the utmost scope to racial genius, social inheritance and individual bent so long as these are not contrary to the best established principles of civilization.

We further ask it because the civilized negroes of the world want better conditions, not only in Africa but in every country and everywhere, and hence it is their desire that wherever persons of African descent are civilized and able to meet the tests of surrounding culture, they shall be accorded the same rights as their fellow citizens; they shall not be denied on account of race or color a voice in their own government, justice before the courts and economic and social equality according to ability and desert.

We desire that this great league of nations, this covenant, may secure protection of life and property and the guarantee of national and international labor legislation shall cover the native workers as well as whites; they shall have equitable representation in all the international institutions of the league of nations, and the partici-

pation of the blacks themselves in every domain of endeavor shall be encouraged in accordance with the declared object of article 19 of the league of nations, to wit: "The well-being and the development of these people constitute a sacred mission of civilization and it is proper in establishing the league of nations to incorporate therein pledges for the accomplishment of this mission."

Whenever it is proven that African natives are not receiving just treatment at the hands of any State, or that any State deliberately excludes its civilized citizens or subjects of Negro descent from its body politic and cultural, it shall be the duty of the league of nations to bring the matter to the attention of the civilized world.

Hence, we are making this prayer to you, gentlemen, because we feel that you are trying to do the very best you can for the uplift of humanity throughout the entire world; and we come to you, as representatives, because we know of the unrest throughout the world.

There were many of the weaker peoples and darker races that met us while in Paris, and we know their sentiments, and believe if you will take under consideration these things it will bring about a greater satisfaction everywhere where it lies in the power of this committee to urge protection of the people of this country that is not receiving the protection; and these colonies—the colored people of America—is very much interested in these colonies, and they are willing to cooperate in the development of these colonies, and we believe that if the United States will become a protectorate for this particular colony, what better condition is going to exist.

STATEMENT OF MR. CHARLES SUMNER WILLIAMS, OF INDIANAPOLIS, IND.

Mr. WILLIAMS. Mr. Chairman and gentlemen of the Committee on Foreign Relations, as the president of the International Association for the Freedom of Africans, their descendants and kindred, I am grateful to you for this opportunity to present for your consideration some things that we think might make clearer our national position on the rights of weaker peoples and give added illustration to our determination to see even-handed justice accorded all, weak and strong.

It is our wish to see the treaty, with the covenant of the league of nations, strengthened, and in this spirit I have come.

I might, before going further, Mr. Chairman, say that these three organizations which are represented here never met before meeting in this auditorium; and, strange to say, all of them voice the same sentiments. If we are correctly advised, article 22 of the covenant of the league of nations, embodied in the treaty, says those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the State which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied to them the principle that the well-being and development of such peoples forms a sacred trust of civilization, and that securities for the performance of this trust should be embodied in this covenant.

It is again stated that the best method of giving practical effect to this principle is that the tutelage of such peoples should be in-

trusted to advanced nations, who by reason of their resources and experience, etc., can best undertake this responsibility and who are willing to accept it. But we submit that some form of the principle of self-determination should apply even to these backward peoples of Africa, even if many of them are not prepared to signify what nation should become their trustee. Surely their more enlightened kindred in America, Haiti, Liberia, San Domingo, Brazil, and Abyssinia could and would assist them in securing a mandatory that would assist in the development of the country by the development of its peoples and not their exploitation.

We submit that a backward people can only gain actual knowledge of government by experience. The development of the Philippines and Cuba are shining examples of what might occur if America would consent to act as a trustee for these African colonies. The United States has the advantage of a large number of Americans of color, and this would make it easy for this Government, through sympathetic agencies, to aid the peoples of Africa to self-government on the highways of civilization.

If you feel that America can not act if selected, some way might be provided to induce France, that is noted for the full and equal opportunities that it gives to all under its domain. Ratify this treaty with the construction that you approve of the tutelage of such peoples by an advanced Nation which by resources and experience can best undertake the responsibility. Save the natives of the former German colonies from the supervision of the Union of South Africa, which Government, considering its attitude toward natives on their own soil, is not, in the opinion of our association, qualified by experience or resources to undertake this sacred trust of civilization. We beg you to consider, first, that Africa, the ancient home of the blacks, is now divided largely among other nations, and unless this treaty is ratified in a way that will give them some place besides the equatorial hotbeds to live and build for themselves and their descendants, while other continents may live free and independent, the world can not be safe for democracy. In our judgment, to award the German colony in Africa to any government as an integral part of them does not square with the view of self-determination, while to award it to the United States outrages the very principle of democracy for which so many of our sons died across the sea. This would put the responsibility for the maintenance of law and order and the suppression of riots and other forms of lawlessness directly upon the participating nations in the league.

Now, Mr. Chairman, one of the reasons why we ask so strongly that some safeguard be made is that we know that we are living now in an age when a spirit of anti-Americanism is sweeping the country. Many would have the Americans believe to-day that the people of America are moved not by an American spirit but by the spirit of greed and selfishness, and that is the cause of unrest; but I assure you that that is not the cause of it, because the unrest is from an un-American source and is a new imposition upon the race. When I was myself striving to get a passport I came to this city, and I was anxious to find the bureau of citizenship, and I inquired the way of a man at the depot, and he said to me, "What do you people hope for now that the war is over?" I said, "We hope for what all

Americans hope for." He said, "If there should come an altercation between you and me, or between any American Negro and a white foreign foe, to which side would the American white rally?" I said, "I presume that the American white would rally, like all true Americans, to the assistance of Americans." Now, I never thought until afterwards he could not have been an American white man, but he must have been an anti-American agent, and it is now the sincere belief of many intelligent leaders that there is to-day a strong anti-American propaganda to move the American prejudiced white man in this country to new impositions upon the Negro, and to heap humiliations upon him and to make his lot embarrassing and humiliating, and against this his very nature speaks out, not in terms of anarchy or violence but to the lawmakers, appealing that in justice his wrongs may be righted and that the tree of democracy might shelter and feed all of its children.

We have been informed that in this article 23 it is proposed that the members of the league of nations to be formed shall undertake to secure just treatment of the native inhabitants of territories under their control. We wish that to include all reference to race or color.

Lastly, we ask that race minorities in all the allied and associated nations be granted, by special provisions, equal rights and opportunities.

Mr. Chairman, we have come, after our loyalty to the flag and to the Government in every war in which this country has been plunged, from Bunker Hill to the last struggle on the plains of Flanders, we have come now, proud of the fact that we are Americans, and are seeking to participate in the democracy that our brawn and our brain have helped to found in this great land.

We wish that certain provisions shall be included in this treaty so that at least the American Negro will be as safe in America as a foreign foe who travels in our land. We come asking not for pity or mercy, in the language of Joseph Benson Foraker, of Ohio, we come not for pity nor mercy, in the language of that distinguished American, but come asking for just consideration and for the rights of American citizens, not because we are Negroes but because we are Americans through and through.

We thank you on behalf of the International Association for the Freedom of Africans, their kindred and descendants.

The CHAIRMAN. Mr. J. A. Lankford.

STATEMENT OF MR. J. A. LANKFORD, MEMBER OF THE EXECUTIVE COMMITTEE OF THE NATIONAL RACE CONGRESS, INDIANAPOLIS, IND.

Mr. LANKFORD. Mr. Chairman and members of the committee, I think enough has been said along this line. I do not think I care either to add or detract. I simply rise to ask you to make these petitions a part of the record, and we thank you for the same.

The CHAIRMAN. We shall make them a part of the record, of course.

I want to put in, in connection with the Shantung evidence, two statements by Mr. William E. Macklin, who has been for 24 years in charge of the school at Nanking, China, in regard to the opinion and morphine traffic.

(The statements referred to are here printed in the record, as follows:)

SHANTUNG AND OPIUM.

Under the dominating influence of Japan in China the opium business that had been stopped by England and China is being fully reestablished.

In Asia magazine of March, 1919, Putnam Weale says that the Japanese imported 20 tons of morphine a year into China. The Shanghai North China Daily News, the most conservative and reliable British newspaper and the mouthpiece of the British Legation, quoted in the Literary Digest of April 12, "In South China morphine is sold by Chinese peddlers, each of whom carry a passport certifying that he is a native of Formosa and would be entitled to Japan's protection. There are Japanese post offices everywhere in China and they carry the drug throughout the country, and the Chinese authorities are neither able to investigate nor interfere. They are helpless under Japanese domination. Japanese drug stores throughout China carry large stocks of morphine, and Japanese medicine venders look to morphine for their large profits throughout Tairen. Morphine circulates through Manchuria and the Provinces adjoining. Through Tsingtau morphine is distributed over Shantung Province, Anhui and Kiangsu Provinces. From Formosa morphine is carried with opium and other contraband by motor-driven fish boats to some point on the mainland, from which it is distributed throughout the Province of Fukien and north of Kwangtung. Everywhere it is sold by Japanese under extraterritorial protection. While the morphine traffic is large, there is every reason to believe that the opium traffic upon which Japan is embarking with enthusiasm is likely to prove more lucrative (18 tons of morphine sold in one year by Japan to China).

"In the Calcutta opium sales Japan has become one of the considerable purchasers of Indian opium; she purchases for Formosa where the opium trade shows steady growth and where opium is required for the manufacture of morphine. Sold by the Government of India, this opium is exported under permits applied for by the Japanese Government for shipment to Kobea and is transshipped to Tsingtau. Large profits are made in this trade, in which are interested some of the leading firms of Japan. It must be emphasized that this opium is not imported into Japan, but is transshipped in Kobea Harbor, from which point assisted by the Japanese railroads to Tsinanfu and smuggled to Shantung into Shanghai and Yangtsz Valley. Two thousand chests of opium are smuggled valued at $20,000 per chest, or $40,000,000, and the Japanese authorities recently taxed $5,000 a chest, or $10,000,000, which does not appear in the estimates.

"The customs and post offices, where smuggling is done, are wholly under Japanese control. Moreover, Japanese military domination would forbid in both ports any interference with the traffic in which Japanese authorities are interested, either official or unofficial."

Under the 10-year arrangement with England in 1907 the Chinese cleared their Provinces of native opium in seven years, and then the Indian open trade was stopped, though British merchants were still allowed tacitly to smuggle. Lately the Chinese bought up the remaining fourteen million dollars' worth of opium and burned it, and now under Japan's domination China must submit again to this reestablishment of this vile trade.

Shall America indorse these Hunnish acts toward a sister friendly allied Republic by signing the treaty in its present form?

W. E. MACKLIN.

After many years of heroic efforts, the Chinese finally throw off the opium traffic, finally purchasing $14,000,000 worth of the drug and burning it. After all this sacrifice under Japanese domination, the opium trade is being fully reestablished. From the North China Daily News, the most conservative and reliable British newspapers in China, and the mouthpiece of the British legation, as quoted in the Literary Digest of April 12, says: "Eighteen tons of morphine was smuggled into China in one year. Japanese post offices are in every part of China and carry the drug everywhere. No customs inspection by Chinese authorities allowed by the Japanese. In south China morphine is sold by Chinese peddlers, each of whom carries a passport certifying that he is a native of Formosa, and therefore entitled to Japanese protection. Japanese

drug stores throughout China carry large stores of morphine. Japanese medicine vendors look to morphine for their largest profit. Through Tarren morphine circulates throughout Manchuria and the Province adjoining. Through Tsingtan morphine is carried with opium and other contraband by motor driven fishing boats to some point on the mainland from whence it is distributed throughout the Province of Fukien and the north Kwangtwant. Everywhere it is sold by Japanese under extra territorial protection. While the morphine traffic is large there is every reason to believe that the opium traffic upon which Japan is embarking with enthusiasm is likely to prove more lucrative. In the Calcutta opium sale, Japan has become one of the considerable purchasers of Indian opium. She purchases for Formosa, where the opium trade shows a steady growth, and where opium is required for the manufacture of morphine. Sold by the Government of India, this opium is exported under permits applied for by the Japanese Government, is shipped to Kobe, and from Kobe is transshipped to Tsingtau. Large profits are made in this trade, in which are interested some of the leading firms of Japan. It must be emphasized that this opium is not imported into Japan. It is transhipped in Kobe harbor from which point, assisted by the Japanese-controlled railroad through Tsinanfu it is smuggled through Shantung into Shanghai into Yangtse Valley. Two thousand chests are smuggled, selling at $20,000—$40,000,000. The Japanese authorities levy a tax upon this which does not appear in the estimates, equivalent to $5,000 a chest, a total for 2,000 chest of $10,000,000. The customs where smuggling is done are wholly under Japanese control. Moreover, Japanese military domination would forbid in both ports any interference with the traffic in which the Japanese are interested, either officially or unofficially."

From the Missionary Review of the World, May 19, E. W. Thwing, of the Internation Reform Bureau, says: "Japan imports 20 tons of morphine a year into China."

Many quotations in Millards Review and the Far Eastern Magazine.

Under 10 year arrangement with England in 1907, the Chinese cleared all their Provinces of native opium in 7 years, and then the Indian opium trade was supposedly stopped, but tacitly smuggling still allowed, and now under Japanese domination, China must submit to the full reestablishment of the vile traffic. Shall America indorse such Hunnish acts toward a sister, friendly, allied republic by signing the treaty in its present form?

W. E. MACKLIN.

The CHAIRMAN. The hearing is now closed. There will be an executive session of the committee this afternoon at the Capitol room at 3 o'clock.

(Thereupon, at 11.30 o'clock a. m. the committee adjourned until to-morrow, Friday, August 29, 1919, at 10.30 o'clock a. m.)

FRIDAY, AUGUST 29, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to adjournment, at 10.30 o'clock a. m., in room 426 Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), Brandegee, Harding, Johnson, New, and Moses.

The CHAIRMAN. The hour for the hearing having arrived, the committee are ready to hear the gentlemen who appear here in behalf of the mid-European peoples. The time is limited. The committee can not sit after 12 o'clock. I will call on Mr. R. T. Caldwell, of New York, representing the League of Four Nations in the American Mid-European Association.

STATEMENT OF MR. R. T. CALDWELL.

Mr. CALDWELL. Gentlemen of the Committee on Foreign Relations of the United States Senate, it is always a pleasure for an American citizen to appear before any American tribunal or governmental body of any kind on behalf of an oppressed nationality.

During the Great War, I had the privilege of knowing Dr. Thomas G. Masaryk, the first President of the new Czecho-Slovak Republic. Through him I first became interested in the struggling nations of Europe who have been so long in subjugation. His sincere sympathy with all aspirations for freedom deeply moved me. I esteemed and admired his lofty and simple character and his great intellect. With his approval I participated in the formation of the Mid-European Association with the object of fostering relations between the United States and these suffering nations.

Later on I went overseas as the representative of the United States Department of Labor to attempt to aid in establishing closer relations between America and the European countries. I spent many weeks in Paris. I came to know very well many of the prime ministers and cabinets of these nations of Europe. My interest and my sympathy grew with my knowledge.

And so I am to-day, on behalf of the American Mid-European Association, and also on my own behalf as a citizen of the United States, presenting to your committee the cause of these four countries—Lithuania, Latvia, Esthonia, and Ukraine.

To me, gentlemen, it is a matter of great satisfaction that these peoples from remote places should turn by common consent to the American Senate for sympathy and aid in the hour of their perplexity, feeling as they do that here a friendly ear shall receive their petition.

If it is natural for these aspiring people to turn to the United States Senate for strength and guidance, it is no less natural for our Senate to extend them the hand of encouragement and friendship, for they seek the path our fathers trod.

Our forefathers undertook, 3,000,000 strong, to carve a nation out of a wilderness and in doing so planted the seed of national aspirations which still flourish, and their achievements find emulation among peoples everywhere.

The appearance of these four nations before you is a direct result of our own national achievements. Our generations before us have each met their problems as they arose. We having to meet the problem of our day in helping to win the war, have set these nations free from the bondage which has long oppressed them. But to set them free without means of sustenance is but to cast them adrift on the tide.

They are living on our bounty, which is a trying ordeal for any people worthy of their freedom. They are becoming more deeply in debt and we continually more involved. We can not forsake them nor can they or we continue as we are. We should arm them to fight back the murderous Bolsheviki.

The independence of these peoples have been recognized by various nations—Norway, Sweden, Finland, Denmark, Switzerland and Germany. Germany's recognition of Lithuania bodes no good to us, to the Lithuanians, nor to the peace of the world.

All these nations lie immediately between Germany and Russia. They are now the prey of Germany who seeks to control them in order to have an undisputed highway to the mastery of Russia, yet they are intensely anti-German.

Again, the record of all four of these countries is clean in rendering valiant service to the cause of the Allies in the defeat of the Bolsheviki. No more vital link in the whole universal body politic of the world exists for the peace of the world than Lithuania and these three neighbors.

If Germany is permitted to maintain a private highway to the political and commercial conquest of Russia, it bodes ill to the future of all. The steadfast refusal of the Germany Army to obey Foch's command to retire from Lithuania speaks plainly Germany's intention to retain Lithuania at all hazards. These Baltic Provinces are flooded with German printed money and with German troops. Shall we permit these anti-German allies to be Germanized against their will and against our interests? They have fought the fight and fight it still, never despairing against overwhelming odds.

Though stripped of their resources, though attacked on all sides, though poorly equipped are their armies and people, yet never once have they grown faint-hearted though the peace conference persistently passed them by, while besieged by the Poles on the south, by the Germans on the west, and the Bolsheviki on the east. Shall these brave people, all four of them, who have fought for their independence, since ravaged by the Teutonic knights, be deserted by us to whom they rightfully look as to an elder brother? Until they receive recognition by us who have the greatest number of their nationals who have departed from their own borders, they have not the means of establishing their credit in the only quarter where natural conditions are favorable. For of these combined peoples, embracing in all in excess of 60,000,000, we have in this country about 2,000,000. With recognition the people could sell a bond issue to their nationals here which would reestablish their commerce and create employment in their respective countries and offer the best

offset to Bolshevism, and in turn render them good customers for the world. So long as they remain prostrate they remain a menace, and so long we must continue to feed and clothe them. Their combined nationals in the United States bought in excess of $70,000,000 of Liberty bonds, showing them a thrifty, frugal, patriotic body among us. These people have come among us and have become part of us. They are good citizens and largely naturalized.

The Congress who made Cuba, Porto Rico, Hawaii, and the Philippines to prosper and freed them from the pestilence of foreign oppression, who has been the support and friend of South and Central America, to such a Congress is it not on the record of history's pages that so deserving peoples as these should ask for bread and receive a stone?

Gentlemen, it is your privilege to render a great service to a vast people and in doing so to render service to our country and to the world distraught and torn. The world expects this thing of us by the record this Congress itself has established. A wonderful opportunity lies before us this morning. Will this committee give the message to the world that the principles of self-determination shall be applied to these nations and that Germany after having lost the war shall not win the peace? Will we arm these nations to fight our fight, which they desire to do? For myself I can not entertain a doubt of the attitude of this committee on this issue.

These nations ask each for a separate resolution from your committee recognizing its national independence and expressing sympathy with its national aspirations. These resolutions I hope may be considered as a matter entirely separate and distinct from the covenant of Paris. It is not our intention to intrude on the consideration of that question by your committee, but we do most earnestly hope and pray that your committee will grant to each of these four nations the recognition they ask and which they deserve.

Mr. George Gordon Battle, of New York bar, who is counsel for the Mid-European Association and for the representatives of the four nations, will briefly address you, and will then introduce the national spokesmen.

STATEMENT OF MR. GEORGE GORDON BATTLE.

Mr. BATTLE. Mr. Chairman and Senators, I appreciate that the time is limited, and shall proceed at once to the subject matter, and promise to be extremely brief. I can not, however, enter upon the actual discussion of what we have to say here this morning without expressing my profound gratitude and the gratitude of these four peoples whom I represent here this morning for the opportunity of appearing before this committee and of voicing their national aspirations before such a tribunal.

I appear, sir, as counsel for the League of Four Nations—the Esthonians, the Letts, the Lithuanians, and the Ukrainians—and also as counsel for the American Mid-European Association, and as an American citizen interested in this subject, as all American citizens are.

Let me first point out to the committee on the map just where these four nations are located. This map, which is behind the chair-

Our forefathers undertook, 3,000,000 strong, to carve a nation out of a wilderness and in doing so planted the seed of national aspirations which still flourish, and their achievements find emulation among peoples everywhere.

The appearance of these four nations before you is a direct result of our own national achievements. Our generations before us have each met their problems as they arose. We having to meet the problem of our day in helping to win the war, have set these nations free from the bondage which has long oppressed them. But to set them free without means of sustenance is but to cast them adrift on the tide.

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man, will show you at a glance what the four nations are who appear before you this morning. The Esthonians inhabit the territory marked in green on the map, just south of the Gulf of Finland, between the Gulf of Finland and the Gulf of Riga, and this lake on the east. The green area on the map represents the Esthonians.

The Esthonians are a different people racially from the other three nations which are before you this morning. The other three nations are Slavic.

The CHAIRMAN. The Lithuanians are Aryans?

Mr. BATTLE. The Esthonians are closely akin to the Finns.

Below Esthonia is the country inhabited by the Letts, which is, roughly speaking, bounded by that blue line. Then, south of the Letts, is the State of Lithuania, which is, roughly speaking, bounded by that blue line and having its outlet on the Baltic Sea. Below that is Ukrainia. Of course, these boundaries are indefinite. They have not been definitely delimited yet, but they are fairly certain, and the Ukrainian boundary is the blue line running along here in the southern and central part of Russia.

These are the four nations appearing before you this morning and asking for recognition. Each of these nations in August, 1914, at the beginning of the European war, farmed a part of the Russian Empire. They had all been unwilling subjects of the Russian Empire. They had always had national aspirations. Each of them formed a separate national stock, with roots reaching back into antiquity, with a romantic national history and national traditions, with national literatures, with national artistic aspirations, strongly national in their feeling. Each of these four nations has set up and established a substantial provisional Government. This Government in each case is republican in its character, based and formed along the lines of the French Republic, with a president and a premier, a Government strictly republican in its character. The Governments are not provisional in the sense that there is anything uncertain about them. They are established and certain, they have armies in the field. They are now fighting the forces of Bolshevism in Russia. During the war these four nations fought bravely and with the greatest devotion for the cause of the Allies. After the collapse of Russia and after the coming on of the Bolshevik régime in Russia these nations were opposed to Bolshevism and their armies in the field are fighting against Bolshevism. One of the principal reasons why it is to the interest of this country, we respectfully submit, that these nations be recognized, is that they complete the chain of buffer nations running through central Europe and forming a barrier against the aggressions of Germany from the west and the attacks of Bolshevism on the east. By a glance at the map you will see how it is necessary to have this full chain of nationally independent States if it is intended to separate Germany from Russia. The State of Lithuania for instance, if it is recognized and established, bars the advance of Germany into Russia, bars the penetration of Germany into Russia along the northern boundaries of Germany, just as Poland bars it along the southern boundaries of Germany.

Now, what we ask of your committee, Mr. Chairman, is that you take such action as in your judgment will be appropriate and proper to secure for these countries and for their governments the recogni-

tion to which we claim they are entitled. As we say, the Government in each case, while it is provisional, is stable and certain. These nations have already been recognized by many of the great nations. Esthonia, I think, has been recognized by some fifteen of the greater nations. The representative of Esthonia will tell you who they are, and the other Governments have been recognized by other nations. If these nations can be recognized by the United States, not only will it be of the greatest aid and assistance to them in their struggle for civilization, in their struggle for their national liberty and in their struggles against Bolshevism, but it will at once enable them to open up trade relations with this country. It will at once enable them to gain a very valuable and extensive commerce with this country. They need most desperately supplies from us. They have the means to buy the supplies, and there are the facilities on both sides to open up at once a profitable commerce between this country and these nations so soon as they can be recognized and put on a stable and permanent basis.

Senator JOHNSON of California. Can you tell us what nations have recognized these four?

Mr. BATTLE. Their representatives who are here can tell you definitely. In a general way, I can say that Esthonia has been recognized by a very large number of the nations.

Senator JOHNSON of California. But not by us?

Mr. BATTLE. No; none of them have been recognized by us.

Senator JOHNSON of California. The failure to recognize them precludes the possibility of the commercial intimacy which you speak of, does it?

Mr. BATTLE. Yes; practically. We can not have diplomatic representatives there.

Senator JOHNSON of California. And there could be profitable trade and exports from this country if they were recognized by this Government?

Mr. BATTLE. Undoubtedly.

Senator JOHNSON of California. And its consequent effect, I presume, upon the high cost of living?

Mr. BATTLE. Yes; undoubtedly, just as every advancement of commerce will have that effect.

The CHAIRMAN. Of course you know, Mr. Battle, that the recognition of a nation is an executive function.

Mr. BATTLE. I quite understand that. It is entirely an executive function, and the suggestion that I would respectfully make to the committee would be under article 116 of the treaty, which provides [reading]:

> Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

These four nations were a part of the territories of the former Russian Empire on August 1, 1914, and it occurred to me that in the report which will accompany the action, I presume, of this committee on the treaty, if reference could be made to this section, and the opinion of the committee could be expressed, if it held that opinion, that these territories should be deemed to include these four nations, the independence of these four nations could well be recognized by this Government. In that way it seems to me germane to the treaty.

Now, these nations not only deserve well of the world for the part they took in the Great War and for the part which they are taking now in the struggle of civilization against Bolshevism; they also have a peculiar claim on this country, not only because of the traditional attitude of this country as an asylum and an aid for all oppressed nationalities, but because we have here within our borders great numbers of the nationals from these four countries. We have about 3,000,000 or more of nationals from these four countries who are now resident in our borders. They are among our most industrious and valuable citizens. They aid us in the development of our mines. Many of them are farmers, many of them are artisans—skilled workmen. From every branch of life you will find representatives of these four nations contributing very largely to our American Army, and I am informed that from the city of Chicago alone there were 3,000 Lithuanians in the American Army during the late war. They have bought more than $70,000,000 of the Victory and Liberty bonds. They aided in all the war works of this country. They have been in every respect patriotic, devoted, and useful citizens, and for that reason they have a claim to ask the Government of this country to recognize the country of their nativity and to give it aid now in its hour of need.

We ask this in the cause of justice and in the cause of expediency. To my mind it is one of the most important issues that now confronts the world, because, unless these nations are given their independence, there are going to be sown the seeds of future discontent, the seeds of racial unrest, which will make another Balkan question along the shores of the Baltic Sea, and now is the time to settle this question and settle it right, and if these nations are given their independence, if their national aspirations are recognized, if the principle of self-determination about which we have heard so much is applied, then their future will be peaceful, their future will be content, it will be restful. If not, they will be a festering sore on the map of the world. There will be trouble and discontent there, and for the sake of the peace of the world and the prosperity of this country as well as for the principles of justice and of right, we ask that this committee give consideration to the request that we respectfully submit to you.

Now, in accordance with my conversation with the chairman, I wish, in view of the short time that we have to submit our case, to call upon four spokesmen first, one for each nation, and then we have a number of witnesses who can answer specific questions along any specific line. I will ask first to introduce to the committee the four spokesmen representing each his nation, and taking up first Esthonia, of which I have spoken, I wish to introduce to the Committee Lieut. Commander Beall. He is an American citizen. He is the only one of these spokesmen who is not a native of the country he represents. Commander Beall has been in Paris in connection with the work of the peace conference, and he has become peculiarly interested in Esthonia. He knows them all, knows their problems at first hand, and I think he can present their claims to the committee with better force, perhaps, than a native of that nation. So I beg to present Commander Beall as the spokesman of Esthonia.

STATEMENT OF LIEUT. COMMANDER G. A. BEALL, UNITED STATES NAVY.

Commander BEALL. The recognition of independence may be an executive function, as the chairman of the committee has pointed out. Still we feel that the hope of the world lies in this committee. That something unselfish and something free from hypocrisy may be gotten out of this war lies in America, and, lying in America, must express itself through this committee.

Esthonia is a Republic. There has been an independent government since the first day of the Russian revolution. Kerensky made her an autonomous part of Russia. She had had her own diet and her assembly. When the Bolsheviki came in the soldiers and sailors' committee dissolved this assembly officially, though they did not dissolve, but remained in correspondence and in touch with each other and kept their assembly intact. When the Germans came in, by virtue of having been sold out by the Bolsheviki, they fought the Germans all the way through, even going so far as to make it a traitorous act to sell land to any foreigner, Germany's scheme being to buy up all the land. This country passed the act making it a traitorous act to sell any Esthonian land to any foreigner, and passed that act and published it in the face of the German occupation. They promised those who did this act that they would punish them as soon as they could get hold of them. They fought the Germans all the way through.

When the Germans left, an unquestionable pact existed so that the Bolsheviki could follow in on their heels and seize the country, but Esthonians, left without arms and munitions, raised an army and drove the Bolsheviki out after bloody battles.

England saw fit to go into Esthonia with troops and into the Gulf of Finland, and to have a naval engagement with the Bolshevik vessels. She gave Esthonia every assistance possible, and gave her nominal recognition, saying that she could go no further until after the action of the peace conference. That same provisional recognition has been extended by a great many countries to Esthonia.

Let me impress upon you that Esthonia is a separate nation, absolutely separate from any of her neighbors, more closely allied to the Finns than to any others. Until the thirteenth century she was free. She then came under the domination of the Germans. Peter the Great eventually took Esthonia from the Swedes and Germans in 1510, and then Esthonia acquired two masters, the Russians working through the existing German barons and German domination, and that is the condition under which Esthonia has labored ever since. She has had two masters, not one.

Esthonia is racially different from the Letts and from any of her neighbors except the Finns.

Esthonia has no religious problems. She has no Jews within her borders. Her church is free. Most of the people are Lutherans. She has no border problems. Her borders are well defined. Her people are agricultural, 79 per cent rural population. The population is something under 2,000,000—between a million and a half and two million. It can be considered as 2,000,000 if the rural population which has gone into the adjoining territory is considered as Esthonian, and being the majority of the population there they

can be considered as part of Esthonia. It then runs up somewhere around 2,000,000. But within her well-defined borders they claim a population of 1,500,000, of which 96 per cent are Esthonians.

Senator NEW. What is its area?

Commander BEALL. Forty-seven thousand five hundred kilometers is its area. It is not a very great State, but you can see by looking at the map that it occupies the most important position of western Russia. It is the gateway of Russia, particularly to Petrograd. The port of Reval and the Baltic ports are very great ports. The government of Esthonia has taken in 600,000,000 marks in revenue in the last half year.

I want to read to you a memorandum in regard to Britain's interest in Esthonia by Sir Park Goff, M. P. I will read only excerpts [reading]:

In sending a mission to Esthonia and ships to defend her coasts Britain has shown strategic foresight. It is as essential to us as to the Esthonians that Reval, the chief port of Esthonia, should be in the hands of the Esthonians and ourselves, as it is the door to Baltic trade.

It goes on to say [reading]:

If Reval falls into German hands or into the grip of the Bolsheviki, Baltic trade will be closed to Britain.

Esthonia desires Reval to be a free port. She does not desire to throttle back Russia. From the very first her proposition has been to make free all her ports. What they want is their own personal independence, not with the idea of throttling back Russia and fattening upon her.

Mr. Goff says further [reading]:

Esthonia desires Reval to be a free port, and with the port of Helsingfors, the capital of Finland in the north, and port of Reval, the capital of Esthonia in the south, they together can command the entrance to the Baltic and the Gulf of Finland.

A second mission under Col. Talents has been sent to Esthonia by the British Government, and Col. Percy Gordon is soon leaving with a diplomatic mission to Reval. This friendship between the two countries will have a lasting effect on the development of commerce, on which in these days of reconstruction depends the greatness. both of Britain and of Esthonia.

To those whose bump of locality is not abnormally developed a glance at the map will at once prove the enormous importance and strategic geopraphical position of Esthonia to-day, which may have a most important and far-reaching effect on the problems of the future.

Now the Finns and the Esthonians are very well shown here in the same color. They have the same national anthem. That shows how closely allied they are. Their language is practically the same. They constitute a real wall that is already built, and it is to incline your minds and hearts to something of the attitude of interest and of friendship toward these Esthonians that I am speaking to you to-day.

It is of the greatest importance commercially to the United States to establish some connection with Esthonia. England has seen fit to make her biggest effort in Russia in Esthonia. That surely is rather a good guide to any one venturing on the——

Senator JOHNSON of California. Commercial sea.

Commander BEALL. Unknown sea of foreign commerce. Mr. Goff speaks as follows of the Esthonian race [reading]:

The Esthonian race is as stanch as it is slow. Once a friend is made, Esthonia will serve him faithfully and devotedly through all time. Her friendship with Britain,

long since commenced, has been sealed by Britain's practical intervention on her behalf in her struggle against Bolshevism. This alliance is likely to spread to Finland, which is on very good terms with Esthonia and Great Britain, and ready to accept their friends as her own.

I wish to impress this point on you, the most important, namely, the position of Esthonia. It is so important that her strong neighbors have not allowed her to have independence for seven centuries, but her stock is so sturdy that the minute she had an opportunity she came out with a government that has stuck right through the revolution, the Bolshevik government and the German occupation.

That same organization would be steady and dependable to any nation seeing fit to ally herself with Esthonia.

I understand that my time is up. I have tried to keep to essentials.

The CHAIRMAN. We are much obliged.

Mr. BATTLE. I will ask permission to introduce to the committee the spokesman for Latvia, the land that lies just south of Esthonia. This gentleman is a native Lett. The country of Latvia consists of three Provinces, Courland, Livonia, and Latvia. The gentleman who will speak to you is very well known in New York, a minister of the gospel, the Rev. Carl Podin——

The CHAIRMAN. Is he an American citizen?

Mr. BATTLE. Yes, sir. He has been associated for years with the Seamen's Church Institute there, and those of you who know conditions in New York know the wonderful work that that institute has done for many years for our seamen. It is on South Street, and each night it cares for 800 seamen. It has done a good work for these seamen. Dr. Podin is associated with that institute. He is a patriotic American citizen. He is a native of Latvia, and is well qualified to speak to you.

STATEMENT OF REV. CARL PODIN, OF NEW YORK CITY.

Mr. PODIN. Gentlemen of the committee, it is a great privilege to stand here before you this morning. My heart is touched with the great possibilities that are before you and before my country this present moment. The story of my native land is very much like that of Esthonia, about which the commander has just spoken to you. Beginning with Ainazi and leading down along the Esthonian border—which country I am proud to say is a very friendly neighbor to the Letts—and then on the east side by Russia, and then 600 miles of border line between us and our friendly neighbors the Lithuanians. There lies the country of Latvia. For 700 years they have preserved a national consciousness and a national soul and while under the Polish, Swedish, Russian, and German dominion she has still preserved her language, her morals, her purposes, and her religion. It is located on that seashore which has been governed by all these countries, and from time to time has been dominated by them, and it has been a test for these people. They are strong, but it took the very soul of these people to maintain their integrity.

It is about 64,000 square miles large. It has 2,055,000 inhabitants. Forty thousand of my native people are in this country, and for 25 years and a little over I have ministered to these people in the

great city of New York, and have been their friend and their pastor—more a friend than a pastor—without a dollar of salary all these years, for I am an American and want to do all I can for them.

In my experience I have learned that that country is worthy of this great country's recognition. Our forefathers did not suffer as much as these people have suffered. I was there as a boy and in the revolution of 1906 and 1907, and I saw the refugees in my own home and I know what they have suffered.

It is also a part of the wall of which the commander has just spoken and it has resisted very, very strongly, and during this war you will remember that Russia refused to give them any assistance until they were all beaten back, and then the Lettish commander assumed the responsibility and broke the advancing line and the Letts saved their land from devastation. That country is in ruins. The greatest battles have been fought there. The country has been devastated and it has been exploited to the utmost by the Russians as they evacuated, taking all the machinery and taking the most elligible people with them into Russia where there are thousands of Letts unable to return, and of the 350,000 of my people thus taken, many of them are forced by changing condition now to serve in different parts of Siberia.

The Germans as they came in and captured everything gave receipts which have never been paid for. So that the country, between the two of them, has been cleaned out not only in property but also the land, the most fertile, has been reduced to a wilderness, and the people are removed or supplanted by Russia, exactly as the commander has said.

In 1906 the Russians were forced out, and the released men were imported on Good Friday. With my silk hat and Prince Albert I traveled with this humble population without a seat, there being only standing room in these cars.

From the commercial point of view that country has been wonderful. I have statistics, but you would be wearied by statistics. It is sufficient to say that millions and millions of dollars' worth of business has been done by this country; and may I say that even now England has recognized Finland as an independent State, and I come to-day for the purpose of beseeching this august body to grant this same favor to the needy souls in order that they may be saved. England, France, and Japan have recognized her independence and Japan has already sent its ambassador there to represent its interests in that country.

Regarding the population, there are 2,500,000, of which the majority are Lettish. The country contains 64,196 square miles. It is larger than Switzerland, larger than Denmark, larger than the Netherlands or Belgium. And therefore I claim that our country is well able to govern itself.

In schools it is on a par with the United States. In high-schools it is higher than even Germany itself. In literature—Lettish language books are produced in greater numbers than in other countries compared with its population. In religion it is mostly Protestant, but it is friendly with its Roman Catholic neighbors on the south. Russia for all these years tried to force its religion on these people; tried to Russianize this territory by force. The nation desired its own schools, its own judges; yet Russia from the very outset forced the Russian

language, in 1889, on the people, and Russian judges who could not speak one word of the Lettish language, and forced upon us Russian books and influence and Russian systems and by subtle camouflaged bribes tried to induce the people to become really Russian. It is not alone Germany that had the world dream, it was Russia as well. She sought by force and coercion to get these people under one language and one rule, one monetary system, and one government. And that is not dead yet, sir. Even if she should become a republic, as they desire, Russia is seeking forevermore to overcome that influence.

When the passenger boats were commandeered, she could not find any better men to command them than our own captains, while the crews were of a different nationality. In all the higher posts of intellectual life Russia has chosen our men, from the Baltic to Archangel, and from Riga to Vladivostok. In all the posts where she needed men of superior intellectual attainments she has chosen my poor folk. Amid struggles and privations, amid fierce persecution under the Russian Government and under German exploitation, she has still maintained a high standard of education and of integrity, which can not be excelled for a long time.

I would be glad if any of you would interrupt me with any questions which you may desire to ask, because my heart is very full on this subject; and while I am an American, these people are very dear to me, for I have a dear mother whose eye was torn out by shrapnel, and I have a brother who had a house of 64 rooms, which awas destroyed. My brother was a prison worker to whom the greatest liberties were given to visit the prisons, and he gave shelter to 60 poor exiles. They imprisoned my brother and kept him in chains for a long time, and burned the house which sheltered these people. No man has made a greater record in prison work than my brother. My heart is over there, and I know what these Esthonians and Letts have gone through. They have at the present time a government by a state council, and they are waiting for the time to come when a constitutional assembly can meet. They had their representatives at the peace conference, and they are keeping abreast with things there, but they have been oppressed, and to-day, contrary to the great peace treaty, part XIV, section 2, article 433, which provides:

> And in order to insure the restoration of peace and good government in the Baltic Provinces and Lithuania, all German troops at present in the said territories shall return to within the frontiers of Germany as soon as the Governments of the principal allied and associated powers shall think the moment suitable, having regard to the internal situation of these territories. These troops shall abstain from all requisitions and seizures and from any other coercive measures, with a view to obtaining supplies intended for Germany, and shall in no way interfere with such measures for national defense as may be adopted by the provisional governments of Esthonia, Latvia, and Lithuania.

That provision has not been carried out to this present moment. I have a letter in my pocket written on the 7th day of August stating that the same bondage is upon the neck of my people. There is a gentleman here, Mr. Johnson, who has some moving pictures, and with your permission he will show you conditions as late as the 26th of May. I remember that date very well because it was my birthday. That day was fraught and full of the most awful and horrible things. I will ask that Mr. Johnson be given the privilege of showing these actual things. A clever American obtained the privilege from

a German officer who became intoxicated—I do not know whether by Scotch or American whisky—to take these pictures which do not lie and are not made up, but are real genuine things, so that you may see what conditions there have actually been. I will ask that Mr. Johnson be given the privilege of exhibiting these pictures. In the meanwhile if there are any questions you wish to ask me I will be glad to answer them.

As to the Bolshevik question among my people, I will be absolutely truthful and correct and will tell the whole truth. Between 20 and 25 per cent of my people are Bolsheviki, but these people never had any rooting in any of our social, moral, or commercial life. They are drifters and they are not accountable for themselves in any manner, shape, of form. I have met them here and elsewhere. I know how some of them have been embittered. They have seen their fathers and mothers murdered. One boy just returned found six of his brothers and his father slain, his house burned, his mother living in a mud hut. Less than four weeks ago that man returned. His soul was embittered, even as my own soul at times has been embittered. Our Government is strong against this very thing, and my people are absolutely capable of coping with it in the eastern and southern parts where the Bolsheviki are now. They are capable of holding their own, providing they are given a free rein.

Mr. BATTLE. On behalf of the Ukrainians I want to present Mr. Emil Revyuk.

STATEMENT OF MR. EMIL REVYUK.

Mr. REVYUK. Mr. Chairman and Senators, I appear here on behalf of the largest of the nationalities of Europe resurrected by this war. My native country, where I was born, is the first nationality of Europe as regards its population. It is second among them as regards its area. It is first as regards its natural resources.

My country borders in the south on the Black Sea. Then it borders more or less on the Carpathian Mountains, reaching as far as the Desna River, and going east, not shown on this map, as far as the River Don. These are, more or less roughly speaking, the boundaries of Ukrainia. Our neighbors are Roumania, Hungary, the Poles, the White Russians, the Great Russians, the different Mongolian tribes in the east, and the inhabitants of the Crimea in the south. Our nationality is Slavic and our people are of the purest Slavic type. There is hardly an admixture of any other race in an anthropological respect in our nationality.

The population of Ukrainia is 50,000,000, of whom 38,000,000 are Ukrainian. The rest are small minorities of different nationalities, like the Jews, the Poles, Great Russians, White Russians, and so on, scattered like islands in the great area of Ukrainia, which is 330,000 square miles, or about one and one-half times as large as Germany or France, and seven times as large as the State of New York. That area is not only large in extent, but it is also very rich in natural resources. It is one stretch of black earth soil, especially well adapted for the production of wheat. It has also all the mineral resources which are necessary for the development of industry. It has very rich oil deposits in the west, which is called Galicia, and it has very rich deposits of iron ore and coal in the east, near the River Don.

If to these natural resources of the Ukrainia you add her seaport of Odessa and her rivers, navigable or which can be made navigable very easily, like the Dnieper and the Dniester and the Don, you can see why Ukrainia has been called the granary of Europe. And the very fact that it was a granary, well stocked with these resources, was the reason why we have never been let alone to enjoy the fruits of our labor. Our history is one long fight for the right to enjoy the fruits of our labor on that land. From the very dawn of history, when the Ukrainians first settled on that soil, we had to fight the nomadic tribes of Mongolia pouring into Europe. It was the Ukrainians who were first to withstand the pressure of the Tartar invasion. At that time our defenses around the city of Kiev were broken down and then we had to enter into a union with the Lithuanians, our neighbors in the north. That was the only union in which we were successful. They were the only people with whom we lived peaceably, without tearing at each other's throats, and that is the reason why we would like to have that union also in the future. When Ukrainians entered into a union with Poland, Poland proved to be an oppressor.

Then we Ukrainians organized a strong military power and organized in the seventeenth century the first republic in that part of Europe. But that republic entered into a new union with Russia, which proved disastrous to us. Then came the partition of Poland, and for another century about nine-tenths of our population was dominated by Russia and only one-tenth of the population was dominated by Austria-Hungary, divided between the Province of Galicia, which belonged to Austria, and the part within the territorial limits of Hungary.

The Russian Ukrainians were strongly persecuted by the Russian Government, which went even so far as to prohibit the use of the Ukrainian language in the schools, in the public life, and in the churches, and the Ukrainians organized the first popular government in Russia after the Russian revolution. When the Bolsheviki came into power, through Bolshevik intrigue with Germany, it was forced to make peace with Germany several days before a similar peace was made with the Bolsheviki themselves. The Ukrainians then had the opportunity to know the Germans, and when the Germans came to Ukrainia, then the Ukrainian peasantry rose in one uprising against the German oppressor. There were as many as 200,000 Ukrainian soldiers fighting the Germans, and the result was that Germany had to keep an army of more than a million well-equipped soldiers in the East, a fact which counted for very much in this war. When Germany saw later that the Ukrainian Government was going to rise against her, she overthrew that government and set up a government headed by a Russian by the name of Kuropatzki.

When the German forces broke down in the west, then the Ukranian party organized a new Government, the so-called directorate, composed of the representatives of all the Ukrainian parties. That directorate has remained until the present time the governing body of Ukrainia. In spite of the great number of its enemies, in spite of the fact that it is fought in the east by the Bolsheviki, in spite of the fact that it is fought in the west by the Polish militarists, in spite of the fact that it is attacked by the Roumanians in the south, it still is holding the greater part of the Ukraine, practically the whole right bank of the Dniester River. That government, which, as I said, is

composed of representatives of all the Ukrainian parties, composed of representatives elected from all over the Ukraine, gave a special vote to the representatives of the different national minorities scattered all over the Ukrainian territory. That government fought first the Germans and drove them out of the Ukraine, drove out Gen. Kuropatzki who was the head of the German Government there, and then they fought the Bolsheviki, and they are fighting them still, although the Bolsheviki have several times offered them peace on favorable terms.

The Ukrainian Government of the directorate never got any recognition by any foreign power, and has not been so recognized so far, but it is fighting and holding the field against many enemies.

I wish to mention in a few words another question, the question of eastern Galicia, which is marked on this map here with a special color, different from the color of the rest of the Ukraine.

The CHAIRMAN. Our time is very limited. Will you tell us exactly what you want the committee to do?

Mr. REVYUK. The eastern part used to belong to Austria. The Poles were allowed to establish there a civil government. It was an exceptional case——

The CHAIRMAN. It is utterly impossible to go into all these details.

Mr. REVYUK. In closing we demand that the Ukrainian Government, which is now fighting against the Bolsheviki in the east and against the Polish militarists in the west, be recognized, or that the American Senate give as much help as it can in this respect, and that the Polish Army be withdrawn from Galicia. That is our request.

Mr. BATTLE. On behalf of the Lithuanians, we want to present an American citizen who is also the district attorney of Luzerne County, in the city of Wilkes-Barre, Pa., Hon. John S. Lopatto.

STATEMENT OF MR. JOHN S. LOPATTO.

Mr. LOPATTO. Mr. Chairman and gentlemen of the Committee on Foreign Relations, it is indeed remarkable that the Lithuanian Nation should have survived to this day. Ages of subjugation, centuries marked by foreign intrusion and exploitation, have not caused these people to surrender anything which was vital to their perpetuation as a distinct people in language, customs, or traits. It has been a very hard and incessant fight throughout. It has diverted their forces from striving for things common and worth while to mankind—self-preservation has always been and still is the one thing which preoccupied their every thought and act, and yet they have, in remarkable manner, not only preserved their language, customs, and traits throughout almost all of the land that they have inhabited for ages but they have also been morally elevated. It has been a people's fight throughout—and that means that they have been fighting always for democracy.

What are the facts about Lithuania? It is one of the Baltic countries occupying approximately 50,000 square miles, with nearly 6,000,000 inhabitants. It comprises what were formerly the Governments of Kovno, Suvalki, Vilna, Grodno, part of Minsk in Russia, and the Lithuanian-speaking part of East Prussia. Starting from near Libau on the Baltic Sea, it is contiguous with Latvia on the north, with White Russia to the east, with White Russia and Poland

to the south, and with Germany to the west. It has fine tilled soil, excellent forests, and is dotted with lakes. The people are tall, fair, blonde, and very thrifty in nature. All the people of the country live in the basin of the river Niemen, a large and the only navigable artery of Lithuania, which is as Lithuanian as the Mississippi is American. Indeed the geographical position and the seacoast offer many opportunities for commercial and industrial development. It is very fortunately located in this regard, inasmuch as it stands midway between the avenues of commerce of Russia and of western Europe.

American agricultural machinery, textiles, rolling stock, and finished products of all sorts and kinds, would find ready and preferential market there.

It is worth noting that inasmuch as Lithuania produces yearly an abundant surplus of agricultural products for which there is a ready market on every hand—the country is well able to lay the foundation of an excellent system of credit—which is the mainspring of commerce.

Prior to 1569 Lithuania was free and independent, taking those words in their proper sense. It was a powerful country, and by the strength of its arms the Teutonic pressure toward the east was arrested at Tannenberg in 1410.

Lithuania, moreover, saved western civilization from destruction by repeatedly rolling back the Mongolian hordes.

In the whole history of this people one date stands out with sad prominence—1569—the date of the Union of Lublin. Then Lithuania and Poland were welded into a dual state, so in name only. It was not a union of equals with equals and mutual good will. It was effected over the protests of a large number of Lithuanian delegates. After the union both States were presided over by one head, had one parliament, which convened alternately, first in one, then in the other country. A single coat of arms was adopted with the insignia of both countries incorporated in the seal. The customs duties were entirely abolished. In spite of all this Lithuania was able to maintain its own army, its own fiscal and judicial system, and its own administrative officers. This union widened the gap between nobility and peasants. The former curried favor with the Poles and permitted Polish penetration. The latter were reduced to serfdom. The Union of Lublin has a terrible meaning to all Lithuanians—they shall never permit its recurrence.

The last of the three partitions is another vital period in the history of the Lithuanians because it ultimately resulted in Lithuania being flung into the jaws of Russian despotism. The union of the two countries ultimately led to their subjugation because the upper classes became separated from the common people, who always remained faithful to their language, even if they were without schools, rights, or access to wealth.

Serfdom was abolished in Russian Lithuania in 1861, and that of course marked a new era in their national life. But in 1864 the Lithuanians were prohibited from printing anything in their own language and in the Latin characters, and this restriction lasted for 40 long years, which were deliberately used by Russian and Polish imperialists to denationalize the common people. And still they did not succumb. In 1904 prudence led Russia to revoke the prohibi-

tion and the Lithuanian question is being discussed in the United States Senate to-day because Lithuanian people have developed a large and fine literature, have studied and organized themselves against all odds in a most remarkable manner within the short span of 15 years.

The Government enjoys the loyal adherence of every Lithuanian. The Government's chief task is the convocation of the constituent assembly, and this can not be done readily while parts of a country are still in the hands of the Poles and Germans. The moment the intruders leave the constituent assembly will be called.

The attitude of every Lithuanian was always anti-Prussian. History proves it, the knights of the sword, the forerunners of the Prussians of to-day, were the deadly enemies of Lithuania. German occupation was almost as unpleasant for the Germans as for the Lithuanians themselves, because the latter strove in every open or secret way to combat the vicious requisitions, projects of colonization, and economic subjugation of the plundering German army of occupation. The fines, summary courts-martial, and torturing of peasants could have hardly served to endear the Germans to the Lithuanian people.

The Lithuanian people can not and will not believe in Bolshevism. They have the sense of property owning deeply implanted in them. This is sufficient to insure their immunity from Bolshevism. When, during the war, the Lithuanians were fighting single-handed against Bolshevism, Germany, and Polish intrusion they did not need to be spurred into action by the Entente against the Bolsheviki, but warred upon them immediately on their own initiative. After the armistice it was the valor of the ill-equipped Lithuanian Army which prevented the union of the Bolsheviki of Russia with the Sparticides of Germany.

There are approximately 1,000,000 Lithuanians in America, mostly American citizens. They have served America's cause well, they have bought more than $50,000,000 worth of Liberty bonds, they have sent over 50,000 men to fight for the cause of humanity. They have done this gladly, whole-heartedly, for they desire to maintain the prestige of America as a protector of the oppressed, as the liberator of subject peoples.

Americans of Lithuanian descent believe in the things that the people of Lithuania are to-day striving for. They rejoice in the fact that Lithuania has a splendid democratic government, which is built upon the foundations of an idealism anchored on the bedrock principles of fair play, decency, and economic betterment for all the people. The guiding principle of the whole Lithuanian administration and of every political party there is the greatest good for the greatest number. They know that competent organization and reasonableness are essential to stability. Outside powers could help toward such stability by rendering that country's business relations easier. Heretofore the Lithuanians have shown the world what they could do in adversity. Lack of food, medical supplies, rolling stock, and every essential thing, lending stability to every government, has not dampened their zeal for the establishment of a free and independent state. If the barest necessities were supplied them it would be a good thing for the rest of the world, for they are even to-day holding back the flood of Bolshevism from the rest of the world. The supplying of such necessities can be made convenient and immediate only if their government be recognized.

Business relations require authentic contracting parties. Vague credentials lead to vague financial returns.

Another vital reason for the recognition of Lithuania is that very many Americans of Lithuanian descent have urgent business with their relatives in Lithuania. Five years of war with accompanying deaths from violence and disease has hindered the business of many American citizens. Property, real and personal, can not now be sold, rented, improved, or profitably used as things now stand. And yet all this could be set aright immediately if the present stable government of Lithuania be recognized. We can not see how this would complicate any international matters. Indeed, it would improve matters, for, in fostering business, one is fostering the economic welfare of the world.

I have merely outlined the case of Lithuania. I hope that I have sufficiently emphasized that the racial solidarity, rendered closer by hardships of various degrees and kinds, the display of reasonableness always, even when the rest of Europe seemed to have gone mad, the singleness of purpose, and the desire to pursue its peaceful pursuits, and develop its own peculiar culture, can lead only to recognition of the Luthuanian Nation. They have fought like men always for the establishment of their sovereign State. They are fighting to-day for the world. Will the world give them recognition in return?

The CHAIRMAN. Mr. Lopatto, did I understand you to say that there are about 1,000,000 Lithuanians in the United States?

Mr. LOPATTO. There are about 1,000,000 as far as our calculations can determine.

The CHAIRMAN. Where are they chiefly located?

Mr. LOPATTO. In the coal mines of Pennsylvania, anthracite and bituminous, and in the large cities, New York, Philadelphia, Baltimore, Boston, and in the New England industrial sections, in Chicago, and in the Western States.

The CHAIRMAN. I knew there were a good many in New England.

Senator NEW. There are a few in northwestern Indiana.

Mr. LOPATTO. The largest number are in Pennsylvania.

Senator JOHNSON of California. Did these four peoples get a hearing at the Paris conference?

Mr. LOPATTO. As I am informed, and from my personal knowledge, the Lithuanians had no hearing before the peace conference. They had consultations with subcommittees on the Baltic.

Senator JOHNSON of California. Did they request hearings before the peace conference, do you know?

Mr. BATTLE. My information is that they made that request, but they were late in making it, and my understanding is that there was no formal hearing before the peace conference.

Senator JOHNSON of California. Was the request denied?

Mr. BATTLE. It was not granted. It was not given.

The CHAIRMAN. Mr. Lopatto, I should like to ask you a question of historical interest. Were not the famous Jagellon princes Lithuanians?

Mr. LOPATTO. Yes. One of them married a Polish princess and was made King of Poland.

The CHAIRMAN. The time is short.

Mr. BATTLE. We should like to show to the committee the moving pictures taken by Lieut. Johnson of the American Army showing the atrocities committed by the Germans in Lithuania.

The CHAIRMAN. Go right on if you are ready.

(The committee here suspended the hearing, and moving pictures were shown.)

Mr. BATTLE. We have a number of witnesses on behalf of Lithuania, on behalf of Esthonia, and on behalf of the Ukrainians, who are anxious to give their testimony, but I do not want to intrude further on your time. May I ask permission to submit statements in writing?

The CHAIRMAN. Certainly; they will be made part of the record.

Mr. BATTLE. May I supplement the statement made this morning by memoranda in writing?

The CHAIRMAN. Certainly.

Mr. BATTLE. Permit me to express my thanks.

(A document submitted and ordered made a part of the record is here printed in full, as follows:)

To the COMMITTEE ON FOREIGN RELATIONS,
United States Senate.

GENLTEMEN: We, the citizens of the United States of Lithuanian descent, respectfully submit this memorandum on behalf of Lithuania for your careful consideration:

One of the constructive results of this war is the reappearance on both sides of the Niemen River of the Lithuanian Nation in the form of a republic at this time.

It is not an artificial creation, but a natural and inevitable return to national being of a people whose history goes as far back as the historical works of the land itself.

The Aistici referred to by Strabo, 50 years before Christ, are the Lithuanians.

For a thousand years they lived a tribal life.

In the twelfth century the Lithuanians formed the State which two centuries later became one of the greatest powers in eastern Europe.

From the beginning of the fifteenth to the middle of the sixteenth century, Lithuania was in a personal union with Poland.

In the next century and a half the union became closer still.

From 1795 until 1915 Lithuania was enslaved by autocratic Russia.

A part of Lithuania, too, has groaned under Prussia.

The union with Poland was not based upon the voice of the people of Lithuania.

Its subjection to Russia was the result of military violence.

Foreign conquests never succeeded in destroying the nation's desire for independence—a desire based upon natural right.

America's voice proclaiming the principle of self-determination of nations strengthened Lithuania's hope for achieving independence.

Lithuania rejoices in the knowledge that America has so spoken, and has full faith in America's declaration.

THE BONDS BETWEEN AMERICA AND LITHUANIA.

Lithuania two centuries ago could not have any official relations with the United States of America.

When Lithuania became a subject race under a foreign yoke, then her son, Thaddeus Kosciusko, gave his genius and his sword to America in her struggle for independence.

Now has come the time that the land of freedom can extend her liberty-carrying hand to Lithuania, and commence the mutual relations between the two countries.

This relationship is made more desirable because hundreds of thousands of Lithuanians are American citizens, and numbers of them have shed their blood in France and Italy, Northern Russia, and Siberia for American ideals and her undertakings.

Lithuanians emigrated to America because it was a free land. Now the entire Lithuanian nation lives in the spirit of liberty, and it is building the Lithuanian Republic upon these principles.

This is the extension of American policy and it is for the benefit not only of Lithuania but of America as well.

Just as America was a giver of freedom to individuals fleeing from autocratic oppressors, so the act of justice asked now of the United States will be the carrier of freedom to Lithuania as a nation. That is what we expect; that is what all of the people of Lithuania talk, in the cities as well as villages; that is the unanimous voice of the whole Lithuanian press.

The rebirth of the nation implies, without a doubt, the rebirth of production, industry, and commerce.

Economic relations of Lithuania with America will be more beneficial to Lithuania than if she came under the economic supremacy of any European nation.

Lithuania will not be tempted by anything un-American because Lithuania and America are bound by too many ties of spirit and culture in common.

LITHUANIA'S ARDENT STRUGGLE AGAINST BOLSHEVISM.

Understanding democracy as America understands it, and while organizing accordingly, from the very beginning Lithuania suffered from contact with Bolshevism, which spread the poison throughout Russia and which inevitably had to assail its neighbors.

In Lithuania against Bolshevism stood her ancient culture, distinct from Russian, and also the vital interests of the major part of her population—owners of small farms and the home owners of the towns and cities.

Lithuania's convictions, opinions, experiences, and feelings are determinedly opposed to Bolshevism. All of the parties in Lithuania have united in this opposition, including the socialists.

The partial occupation of Lithuania by the Red Army and its evil and cruel work in the short time before it was driven out quickly fired an enduring anti-Bolshevik spirit in all Lithuania. Bolshevism can only be brought into Lithuania by force or terror exerted from without. Independent Lithuania will be a power that will weaken Bolshevism.

Bolshevism is the fruit of Russia. To subjugate Lithuania anew under Russia, be it under the Bolshevik-Soviets or any Russian Government, might strengthen Bolshevism in the world by giving it a new field for expansion.

At one time the Bolshevik masses unexpectedly entered and occupied almost half of Lithuania. But this invasion raised against them the ardor of the entire nation. The Lithuanian Army drove the Bolsheviks beyond the boundaries of Lithuania.

Lately it has been reported that the Bolsheviks are concentrating forces near Dvinsk.

The Poles, by using military force against Lithuania, are practically aiding the Bolsheviks.

If at this moment Lithuania's efforts in her struggle against the Bolsheviks do not receive actual and moral support from the anti-Bolshevik world, then the world will witness the sad sight of a small nation vainly fighting for its strong ideals and healthy culture—the same ideals which are the heritage of the great democratic nations of the world. Shall Lithuania be left in this day of peril, while the Bolsheviks are concentrating on her front, without the aid of these great nations?

POLISH INVASION WEAKENS LITHUANIA AGAINST BOLSHEVIKI.

Poland is taking advantage of the delay in granting independence to Lithuania and has already by force and arms occupied a considerable part of ethnographic Lithuania.

Lithuania, being forced to defend the integrity of her territory, has been compelled to weaken her forces by withdrawing troops from the Bolshevik front and using them to meet the Polish invasion.

In the name of the peace conference Gen. Foch established a temporary line of demarcation between Lithuania and Poland, advantageous to the latter. The Poles violated this line. At present only the Lithuanian Army is defending the honor of the peace conference by attempting to maintain this line. That army believes that the voice of America will support it in this course.

LITHUANIA SEEKS NO FOREIGN TERRITORY.

Lithuania does not seek from anyone any foreign territory.

Parts of historic Lithuania remain under Germany and still larger areas go to Poland.

But the new-born republic justly will not suffer the severance from her of Lithuanian inhabited territories of the cities and towns in purely Lithuanian districts that have been artificially colonized.

GERMANY HOSTILE TO LITHUANIAN INDEPENDENCE.

Lithuania's independence is not desired by Germany, especially by its leaders of political thought who want to maintain a bridge to the east and to keep an army outside of Germany in order to protect East Prussia.

From its geographical location Lithuania is either an open gate or a closed wall between Germany and Russia according to whether she is allowed to come under the control of one or the other of these countries, or is enabled to set up a permanent, independent national existence. Germany's next logical move is the exploitation of Russia upon which she would like to depend for her supplies of both men and material in her scheme of future expansion. An independent Lithuania would be an effective barrier against direct communication between Germany and Russia, much as Belgium is a barrier between Germany and France.

IMMEDIATE RECOGNITION AN ACT OF JUSTICE.

The cultural world seeks to maintain and preserve from destruction that which is rare.

The Lithuanian nation differs from the Slavs, Germans, and others in her ancient language, with its distinctive peculiarities.

Added to the political there is thus the scientific necessity for the recognition of Lithuanian independence. The denationalization of Lithuania under foreign oppression would drive from the world this language, the nearest tongue to the ancient Sanscrit now extant.

Lithuania now is a Republic. All parties, including the ethnical minorities, are represented in the Government. The peace conference has taken official cognizance of the existence of Lithuania and its Government by conferring with the Lithuanian commission to the peace conference, by appointing an interallied commission to the Baltic Provinces and Lithuania, by making certain provisions regarding the River Niemen and the port of Memel and by establishing a temporary line of demarkation between Lithuania and Poland.

The United States individually has taken cognizance of the existence of Lithuania and has negotiated with the Lithuanian Government by sending an American commission to Lithuania, and by selling food and medical supplies to the existing Lithuanian Government.

Recognition of the independence of Lithuania follows logically on these actions.

Recognition should not be delayed.

Immediate recognition is dictated alike by motives of sound policy and of justice.

Signed on behalf of the Lithuanian citizens of America.

LITHUANIAN NATIONAL COUNCILS.
B. F. MASTAUSKAS, *President.*
C. V. CHESNUL, *Secretary.*
M. J. VINIKAS, *President.*
A. M. BACEVIČE, *Secretary.*

The CHAIRMAN. We are sorry that we are so restricted in time.

I would say to the members of the committee who are here that through a misunderstanding Mr. Dudley Field Malone, who was to have appeared next week, is here to speak for India. He has a professional engagement and I suggest that we hear him now.

(The following statements and memoranda were subsequently ordered printed in the record:)

MEMORANDUM IN THE CASE OF ESTHONIA, LATVIA, LITHUANIA, AND UKRAINE.

[Presented by the League of Esthonians, Letts, Lithuanians, and Ukrainians of America.]

FRIENDLY RELATIONS OF THE FOUR PEOPLES.

In Europe.—From the Baltic to the Black Sea, occupying territory greater in extent than Germany and France combined, are situated four new and democratic republics—Esthonia, Latvia, Lithuania, and Ukraine. Their combined pouulations number nearly 80,000,000. Their armies fighting side by side against the Bolshevist régime have bound them into a league for defense of their homes and countries.

In America.—Their kindred in America, numbering about 3,000,000, have also come to a close understanding with each other for purposes of mutual welfare and for the establishment of proper relations between their former countries and the democratic peoples of the United States, Great Britain, France, Japan, and Italy, the powers which are most interested in bringing the whole of Europe to a normal and peaceful condition. They have formed the League of Esthonians, Letts, Lithuanians, and Ukrainians of America. Their duly elected representatives take the liberty at this

time of presenting the case of their mother countries, and they petition that each of these republics be accorded official recognition and justice in any and all treaties which may be entered into affecting their political, economic, and territorial rights.

Naturalness of the league.—The formation of this brotherhood among these peoples in the two hemispheres is entirely natural and can not in any way be construed as superficial or temporary. It has been brought about in Europe by many circumstances affecting their racial, economic, and political existence extending over many centuries. Because of their territories, stretching all the way across Europe, and because of differences in race from the neighboring nations, they were obliged at various times to conduct wars of defense against oppression and invasion of their territories and against their national annihilation at the hands of Poles, Russians, Tartars, and Germans.

Each nation is composed distinctly of people of its own race, with its own language, history, literature, traditions, and aspirations. Each has become independent through its own efforts and each has established a government of its own strong enough to defend its country against the Bolsheviki, Poles, and Germans.

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OPPRESSION BY THE NEIGHBORING IMPERIALISTIC POWERS.

By old Poland.—Generations ago the peoples of these republics tasted of a political tie with Poland and found it anything but endurable. Their languages, religions, national rights, and economic aspirations were ignored and abused beyond measure. Colonization by Poles, the imposition of the Polish language with a different religion, as well as the unwarranted seizure at opportune moments of territories belonging to Letts, Lithuanians, and Ukrajnians, were as much the order of the day as the Polish duplicity. The political chicanery and snobbery of the Polish gentry and clergy did not at all end with the partition of Poland. Nor did the partition prevent the Poles from using their ill-gotten advantage in furthering the use of the Polish language through religious channels and in oppressing economically their comrades in misfortune.

Greed of the New Polish Government.—Since Poland's resurrection as an independent state, the people of these four republics have found the new Polish Government as insincere, arrogant, and imperialistically ambitious as in the past. Under pretense of fighting the Bolsheviki, where no Bolsheviki were present, the Polish armies have occupied parts of Ukraine and territories of East Galicia and Volhynia, where the population is almost entirely Ukrainian. Under the same pretense they have occupied the Lithuanian territories of Grodno, Vilna, Minsk, and Suwalki. Lithuanian civil officials were arrested and replaced by Poles; persecution and abuse of all who spoke the language of the country was inaugurated, and war was begun on the Lithuanian people with the sole object of incorporating Lithuania into Poland. This was still continued. In short, all of Poland's promised activity against the Bolsheviki has proved to be a ruse for securing the help of the Allied Governments in her attempt to acquire Lithuania, Esthonia, Latvia, and Ukraine.

By Germany.—German attempts to gain a political foothold in Esthonia, Latvia, and Lithuania in the last few centuries, as well as the activities of their notorious landowning Baltic barons, have produced results among the natives of these countries not dissimilar to the results produced by the Poles. The economic exploitation of these countries by the mail-fisted methods of the Germans, supported by the officials and court camarilla at Petrograd, has served to make the people bitter enemies of both Germans and Russians.

German military occupation.—Four years of military occupation of these countries by German armies in this war and the abuse inflicted by their soldiers upon the natives during that time have served to inspire a burning hatred in the heart and soul of every native man, woman, and child. Not only did the Germans requisition all available cattle, sheep, horses, agricultural and manufacturing implements, tools, machinery, and supplies, but they even wantonly destroyed or carried away seeds, hay, straw, grain, pillows, covers, blankets, sheets, mattresses, clothing, linen, medical supplies, and furniture. They left the people to starvation, exposure to the inclement weather, and ravaging diseases. They flooded these countries with irredeemable, worthless paper money, and they planted military colonies which now are alliance with the Russians in order to secure these territories for Germany. With the Poles and the Bolsheviki they bartered and traded the cities and territories of the unfortunate republics. No such suffering, misery, and devastation were wrought in Poland, Serbia, Belgium, France, or any other country by the World War as in

these four republics, whose people fought and still are fighting so valiantly on the side of the Allies. There never was and never can be any pro-German sentiment in these four countries.

By Russia.—Russia ruled these four nations, each more enlightened than herself, for more than a century. Her sway over Ukraine lasted three centuries. Her rule was notorious, not only because of her political, racial, and economic persecution of alien races, but because of her thorough corruption and the unparalleled short-sightedness of her political policies. Her eagerness to denationalize and Russify the subject nations led her to extremes. The most enlightened men of these nations, whose only crime was their patriotism, served months in solitary confinement and years in exile in Siberia. Even Germans were given more rights than were the native inhabitants. All the commerce was directed into Germany's hands, while the natives were driven to despair, with emigration as their only hope for betterment. Printing in the native languages were prohibited, although all foreign languages were encouraged and protected.

Russia to-day.—The incompetence of the Imperial Russian Government is a familiar story. The same bureaucrats and autocrats of that old régime, men like Admiral Kolchak, Gen. Denikin, and their assistants, are trying to assume control of the country again, but they are not one whit more liberal now than they were under the Czars. It is well known that one of the articles in the Kolchak statutes provides the death penalty for all persons who advocate the principles of self-determination or separation from the old Russian Empire. Russian factions supporting Admiral Kolchak and his direct representatives have declared that as soon as Russia shall have established peace within her own proper territory, whether controlled by the Bolsheviki or by the monarchists, *she immediately will take steps to nullify the Treaty of Versailles.* Not only do the Russians intend to destroy the four republics of Esthonia, Latvia, Lithuania, and Ukraine, but they plan to crush the independence of Poland and Finalnd and to subjugate even Roumania. To carry out this scheme successfully, Russians are prepared to enter immediately into economic, defensive and offensive treaties with Germany. The unusual diplomatic activity of recent date among Berlin, Moscow, and the Kolchak elements, as well as the military understanding which seems to have been arrived at in the Baltic, is a bad omen for peace in Europe for a long time to come.

THE POWER IN THE COOPERATION OF THE FOUR REPUBLICS OF ESTHONIA, LATVIA, LITHUANIA, AND UKRAINE.

The four nations have no ties whatever with Germany, Poland, and Russia. They are independent, and their right to independence is, historically, racially, and by the principle of self-determination, indisputable. Lithuanians, Letts, Esthonians, and Ukranians differ in language and race from all their neighbors. They had their independent States for centuries. They gave due protection to all creeds and peoples and lived in peace and toleration among themselves. Together they now form a force powerful enough to command the situation in eastern Europe.

Their natural wealth.—Their territory, extending in a wide belt all the way from the Baltic to the Black Sea, is the most productive in Europe. Even under Russian domination and German economic influence, and at times when Russia proper had famines, they exported immense quantities of wheat, rye, oats, barley, potatoes, fruits, flax, linens, linseed oil, hemp, wool, feathers, bristles, hogs, sheep, poultry, horses, cattle, graphite, manganese, quicksilver, salt, oil, coal, hardwoods, building materials, fish, amber, beet sugar, honey, beeswax, and many manufactures. They have great waterways, railroads, and many ice-free ports within their own proper territories. Their countries are ready for commercial expansion and development. They know of no competitors in any lines, with the exception of Germany, among their turbulent neighbors.

The character of the people.—The natives are democratic, industrious, and not given to extreme radical views or to economic disturbances. Their farming and laboring classes are the most enlightened of all the peoples of the former Russian Empire. Their sons attend universities in all parts of Europe and have filled the most prominent places in the professions, literature, industry, and the administrative departments of former Russia. Many of them now have returned to aid in the reconstruction and defense of their native countries.

Capacity for self-government.—There can be no doubt that these countries are capable of conducting the administration of their own countries in a modern and peaceful manner and independently of Russia, Poland, and Germany. They have shown amazing power for organization in the development of their armies and in the administration of their countries for defense against the Poles and the Bolsheviki, though

the ruin and misery caused by the German armies of occupation has yet to be overcome. Now that they stand shoulder to shoulder there is no force in Europe so effective and so completely on terms of good understanding politically as these four newly established Republics of Esthonia, Latvia, Lithuania, and Ukraine. All they seek at the hands of the principal allied and associated powers is recognition of their respective Republics and just territorial boundaries.

EFFECT OF THE TREATY OF VERSAILLES.

Polish-Roumanian barrier inadequate.—The so-called barrier that has been constructed of Poland and Roumania for the purpose of separating Germany and Russia is not only inadequate in population and territory, but it lacks strength in itself. It is not composed of peaceful and homogeneous peoples and it is surrounded on all sides by enemies. Roumania has Bulgaria on the south, Hungary on the west, and Russia (should Ukraine not be independent) on the north and east. From all of these she has taken away some territory and thus has become an enemy of each.

Poland is in a far worse plight than Roumania. Although she has a difficult problem in the reconstruction of her own country, she has eagerly started wars with her neighbors for territories which, in some cases, belong and have belonged to those neighbors from time immemorial, with the exception of Posen, some parts of Prussia and Russian Poland proper. She has a controversy with Czechoslovakia over the Bohemian district of Teschen; with Germany she is contending for Posen, Silesia, and parts of East and West Prussia. In Lithuania she is at war over the Districts of Suvalki, Vilna, Grodno, and Minsk, which never were parts of Poland. In Latvia she claims Inflanty. In Ukraine she is warring for all she can seize, especially for western Ukraine, or eastern Galicia, which, until recently, was a part of Austria and were for centuries the native inhabitants have been Ukranians (Ruthenians). Poland's greed would not stop at conquering all Ukraine, Lithuania, Latvia, and Esthonia. The power in Poland, as well as in Roumania, is in the hands of the land-owning gentry, while the peasants present splendid material for the Bolshevik propaganda or for an economic revolution.

The autocratic Russian anti-Bolshevik forces give even less promise for the future peace of Europe than do Poland and Roumania. The United States has declared in the words of Secretary Lansing that "this Government has announced its intention to assist Admiral Kolchak and his associates to the extent that it may be found legally practicable to do so and has reached this decision only because of its conviction that assistance to Russia can not be rendered through dealings with the Bolshevik régime at Moscow, but also because of the liberal policy to which Admiral Kolchak has committed himself." Nevertheless, it can not be doubted that Admiral Kolchak who calls his régime the "all-Russian Government" is diametrically opposed to the independence or self-determination of Esthonia, Lithuania, and Ukraine. Admiral Kolchak's policy is anything but liberal, and his declaration of "liberality" are vague, evasive, and meaningless. His binding himself and his associates to safeguard free institutions in Russia by the earliest practicable meeting of the constituent assembly does not in any way promise self-determination to the peoples who are in no way Russian and who are now free and independent.

Instead of supporting Poland, Roumania, and the anti-Bolshevik Russian imperialists, it would be more expedient to support these four Republics of about 80,000,000 people, who are fighting the Bolsheviki, not only without receiving any help, but with much interference and open warfare against them on the part of Poles, Germans, and the Russian anti-Bolshevik forces, frequently in the rear of their fighting lines.

Poland in occupying Lithuanian and Ukrainian territories with permission of the Supreme Council at Versailles on pretense of fighting the Bolsheviki is gradually extending the line of demarkation laid down between Lithuanian and Polish troops, and is occupying the whole of Ukrainian East Galicia. These invasions prevent effective campaigns by the Lithuanians and Ukrainians against the Bolsheviki.

These four Republics feel that not only are they being wronged by the support given by the Allies to Poland in her occupation of territories not her own, but that some provisions of the Versailles treaty encroach upon their inalienable national rights. Articles (Navigation) 331, 332, 338, 342, and 345 provide for internationalization of the River Niemen with its connections. This river flows entirely through territory inhabited by Lithuanians and before partition was owned and controlled by Lithuania. Article 99 of section 10 does not provide for the cession of the Lithuanian port of Memel to the Republic of Lithuania. The territory adjoining Memel should also be ceded to Lithuania, and northern East Prussia with native Lithuanian population should be given the right of determining the government the inhabitants wish to live under.

Article 87, section 8, should not extend the boundary of Poland into Lithuanian territory. (See lines 11, 12, and 13.)

Article 94, section 9, does not provide a right of plebiscite for the Lithuanian part of East Prussia.

CONCLUSION.

In order to promote cordial relations with these four democratic republics at an early date and establish peace in Eastern Europe, it will be necessary to see that their proper territorial rights are respected by their neighbors, and guaranteed by treaties, and that their respective republics are given recognition of their independence by the principal allied and associated powers.

While representatives of these republics on many occasions have presented their demands for each country separately, and frequently jointly, at Versailles, London, and Washington, the present request and petition to the principal allied and associated powers, the United States, Great Britain, Italy, Japan and France, is to the effect that:

1. Independence of the republics of Esthonia, Latvia, Lithuania and Ukrainia, respectively, be recognized at an early date, in each case with their national territorities intact.

2. The said four republics be accorded all necessary means for the reconstruction of their respective countries, for the immediate establishment of commerce, and for defense against invasion.

3. No neighboring country under any pretext be given consent or permission to occupy temporarily or permanently any part of territory belonging to these four republics.

4. All four above-mentioned republics be permitted to join the league of nations at an early date, as independent and soverign States.

5. The privileges and rights included in Article X of the covenant of the league of nations be extended only to such nations as will come to a peaceful understanding with their neighboring countries as to their proper boundaries with them and as shall have withdrawn all their troops from disputed territory.

6. Poland be compelled to withdraw at once her troops from all Lithuanian territories, particularly from Grodno, Suwalki, Vilna and Minsk, and from all Ukrainian territories, particularly of East Galicia and Volhynia.

7. No Government representing Russia or any faction thereof be given recognition or aid until it shall have definitely recognized, without any reservation, full independence of the republics of Esthonia, Latvia, Lithuania and Ukrainia, respectively.

8. The Lithuanian inhabitants of the northeastern part of East Prussia, formerly a part of Lithuania proper, be given, if not ceded outright to Lithuania, at least the right to choose the government under which they shall live (see Art. 94, Sec. IX), as has been done in the case of West and East Prussia which are partly inhabited by Poles.

9. Articles (Navigation) 331, 332, 338, 342, and 345 of the Versailles Peace Treaty be so construed as not to permit internationalization of the River Niemen with all its "connections," but to cede the same to Lithuania.

10. Article 99 of Section X of the Versailles peace treaty with Germany be so construed as to cede the Lithuanian port of Memel, lately of the German Empire, not to the associated powers, but to Lithuania, as well as the territory mentioned therein as ceded to the principal allied and associated powers, and Article 87, Section VIII, be so construed as to define Poland's border to the point of meeting of the southern border of Gubernia Suvalki with the boundary of East Prussia.

11. German troops and all their military and civilian colonists be compelled to withdraw from all territories of these four republics at once.

12. No territory, in whole or in part, properly belonging to these republics which has been colonized by foreign elements or where a foreign language has been introduced while the native population was under political disadvantage be given the privilege of self-determination by plebiscite separately from the country to which it properly belongs, nor be ceded outright to any neighboring or other foreign power.

13. Germany and Poland be compelled to reimburse these countries for all damage done.

14. All decisions be rendered solely upon the principles of equity and in accordance with those aims as were proclaimed that this war was fought for.

The Ukrainian Federation of the United States, which is a union of societies working for Americanization on this side and for a free Ukraine on the other side, begs to address the Committee on Foreign Relations of the United States Senate as follows:

Whereas we, the Ukrainian immigrants in North America (one million in number) by reason of, among other things, our work in connection with war industries, and by

enlisting by tens of thousands in the United States and Canada, in the Overseas Expeditionary Armies, hoped and expected that the victory of the allied cause would bring political freedom to the oppressed nations of eastern Europe, including the Ukrainian people, according to ethnographical boundaries;

And whereas the Ukrainians were among the very first of the nations of the former Russian Empire to organize for the purpose of keeping order and raising armies to protest western Europe from the Bolsheviki invasion, thereby following in the footsteps of their grandfathers, the Cossacks, who saved European civilization from Tartar hordes;

And whereas the Ukrainian Government several times proposed to pay up one-third of all debts of the former Russian Empire if the peace conference recognized the independence of the Ukrainian Republic;

And whereas the Ukrainian army, under Gen. Petlura, practically without munitions and medicine, are in death grips with the Russian Bolsheviki armies which have invaded Ukraine for the purpose of pillaging the Ukrainian granaries, and arousing and stirring the fires of anarchy in middle Europe;

And whereas the present Polish administration, falsely pretending to fight Russian Bolshevism, received from the Allies ammunition and supplies and with soldiers (including 50,000 American Polish volunteer soldiers) are not really fighting the Bolsheviki, but, instead, endeavoring to conquer Lithuania, White Russia, and Ukraine, massacring the civil population of those nations as well as the Jews in those countries;

And whereas the Polish army of Gen. Haller breaking the armistice with the Ukrainians in eastern Galicia (the armistice signed in Paris under the authority of the peace conference), attacked the Ukrainian army when a majority of units of that army had already been sent by the Ukrainian authorities to assist the Ukrainian Gen. Petlura against Bolsheviki armies within the Ukraine;

And whereas Gen. Pilsudsky, head of the Polish army in eastern Galicia, as well as the Polish Premier Paderewsky, have, notwithstanding so called "official reports" from Warsaw, been proven to be utterly untruthful in the claims made to the effect that the Ukrainians were in sympathy with the Bolsheviki, and that they were massacring Jews and in sympathy with Germans and Austrians;

And whereas the incorporation of Ukrainian lands into a Polish Republic would, without a doubt, create anew the old Alsace-Lorraine question, and would be a menace to the world peace for the future;

And whereas the occupation by the Roumanians of the northwestern part of Bukovina settled by Ukrainians, and eastern Galicia by Poles, does not give a joint front for Poles and Roumanians against Russian Bolshevism, but is really a joint conquest of Ukraine;

And whereas if the peace conference, misled by misrepresentation by Russian representatives of the old régime, fails to recognize and agree to the independence of the Ukraine Republic this will be without doubt resulting in great injury to Ukraine and its permanent hostility between Ukraine and Russia;

And whereas the invasion of Ukraine in her ethnographical boundaries means for Ukraine the return of the Polish aristocrats, and Jesuits, and means further a return to economic slavery when the Ukrainian peasants were pressed to work 18 hours daily on the Polish fields for a wage amounting to 20 Austrian or 4 American cents. It means, further, the return of religious persecution which the Ukrainian people suffered for centuries when the orthodox Ukraine was, fortunately, affiliated with Roman Catholic Poland;

And whereas in the newly created Polish State the Roman Catholic faith is the State religion and there are many Ukrainians who are orthodox and Protestants and only 3,000,000 Greek Catholics and about half a million Roman Catholics, and then observe with deep grief the Polish movement in Ukraine, remembering the Ukrainian history, when religious wars with Poland waged ceaselessly—lasted three centuries—and in this connection it is pointed out that the recent return of the Poles into Galicia was inaugurated by their setting fire to 50 Greek Catholic churches, the closing of 500 Greek Catholic sanctuaries, by wholesale arrest of Greek Catholic priests, and the occupation by the Roman Catholic Church of the See of Kolm by simply issuing a proclamation declaring Greek Catholics to be Roman Catholics:

Therefore we ask the Committee of Foreign Affairs, in the name of righteousness, of civilization, and the brotherhood of mankind, to propose a resolution that it is within the sense of the Senate of the United States that this Government—

1. Recognize the Ukrainian Republic in its ethnographical boundaries;

2. Direct and command the Polish-Roumanian armies to forthwith withdraw from Ukrainian soil; and

3. That in case of disputed territories settled or claimed by the Ukrainians and claimed by Poles and Roumanians, a plebiscite be taken in each case to decide by vote of the populace the future of the territory in dispute.

MIROSLAV SICHINSKY,
President Ukrainian Federation.

MEMORANDUM IN REGARD TO THE RECOGNITION OF THE UKRAINIAN REPUBLIC.

By MIROSLAV SICHINSKY.

[Submitted to the Committee on Foreign Relations of the United States Senate by the Ukrainian Federation of the United States at the hearing held on Aug. 29, 1919.]

The Ukrainians, the largest of the submerged nationalities which this war is to liberate, are a Slav people numbering over thirty-five million souls. Their land lies between that of two better known Slav peoples, the Poles and the Russians, from both of whom they are sharply distinguished in economics, language, character, and history.

Politically Ukraine can be termed the cradle of democratic and republican ideas in Slavdom and the homeland of small freeholders.

Economically it belongs to the richest regions of the world. The Ukraine before the war produced one-third of the total Russian output of grain, five-sixths of the sugar, most of the wine and fruit, one-third of the cattle, 60 per cent of the iron, 79 per cent of the pit coal, 90 per cent of the anthracite, 50 per cent of the salt, and all of the mercury.

For long generations in the past the Ukrainians maintained their own State, at one period even under republican form of government, until in the seventeenth and eighteenth centuries it fell before the expansion of Russia. A minor part of western Ukraine, the Province which is known at present as East Galicia, had been incorporated in the Kingdom of Poland in 1340 by force of arms and became subject to the Austrian rule at Poland's forcible partition, in 1772. Therefore, since then, both Polish and Russian believers in historic rights have claimed the privilege of governing over Ukraine.

After the final conquest of the Ukrainians, in the eighteenth century, the Russian Government wished to absorb them into their own people, the Great Russians, and did its best to destroy their institutions, their language, and their self-government. It adopted the convenient theory that they were the lost brothers of the Great Russians and officially designated them as Little Russians. The Petrograd Academy of Science, however, better informed, and, we may say, less disingenuous than the Government, has ruled that the Ukrainian language (the literary history of which shows many distinguished writers) is not a Russian dialect, but a separate tongue, and that the Ukrainians must be regarded as a distinct national entity.

That in spite of unscrupulous and persevering suppression of Ukrainian nationality by the Tzardom, the Ukrainian people did not become Russianized, and that the leaders of the Ukrainian political thought never abandoned the struggle for self-government of their country, is amply shown by the history of revolutionary and nationalist movements in the Russian Empire during the last century. In 1905 there were in the first Russian Duma (parliament) 63 Ukrainian representatives, 40 of whom belonged to a Ukrainian parliamentary party. They clearly formulated the popular demand for a complete territorial autonomy of Ukrainian lands within the Russian federation which was hoped for, and started a great national movement for political democracy in Ukraine.

At that time Ukrainian population of the Austrian Galicia was still—to quote the Encyclopædia Britannica—under "an alien yoke both politically and economically." This was not a purely Austrian, but a combined Austro-Polish yoke. What has enabled the Polish landed nobility and bureaucracy to remain absolute masters of their Ukrainian fellow citizens in East Galicia was an old bargain, whereby the Polish aristocracy undertook to support the Hapsburg dynasty as long as the Austrian Government did not interfere with its exploitation of the Ruthenians, as the Ukrainians of Austria were called.

Against great odds the Ukrainians of Galicia were fighting in the Viennese parliament and in the Provincial Diet for the autonomy of the territory ethnographically known as Ukrainian in East Galicia, and East Bukovina as a self-governing unit with a National Ukrainian Assembly in Lemberg, and with a Ukrainian administration, within the Austro-Hungarian Empire.

The Great War and the following revolutionary period in eastern Europe have entirely changed the aspect of the Ukrainian problem, and after the break-up of the Romanoff and Hapsburg dominions follows the natural demand of the Ukrainian

people for the unification of its territories, and for their organization into a democratic republic. This gave rise to great hopes for the liberation of Ukraine and the creation of two Ukrainian States, the Great Ukraine and the Galician, which immediately proclaimed their union into one Ukrainian People's Republic.

The peace conference, however, did not approach the subject from this point of view. Not only did the great powers until not now recognize the independence of Ukraine, fighting against the government of Trotski, but, contrary to every consideration of justice and expedience, they have formulated their policy toward unification of Ukraine in the following terms:

"The Polish Government is authorized to establish in eastern Galicia a civil government, after having fixed with the allied and associated powers an agreement whose clauses shall guarantee so far as possible the autonomy of this territory and the religious liberty of its inhabitants. This agreement shall be based on the right of free disposition, which, in the last resort, the inhabitants of eastern Galicia are to exercise regarding their political allegiance. The period at which such a right shall be exercised shall be fixed by the allied and associated powers or by the organ to which these delegate their power."

As against this, Americans of Ukrainian extraction expect that the United States Senate will express the opinion that an end should be put to Polish occupation of East Galicia, and that the Ukrainian people there should be given the possibility of becoming a part of the Ukrainian Republic. This demand is based on the undisputed preponderance of the Ukrainian population in East Galicia, and their manifest and strongly contested right and desire for union with Ukraine. There is scarcely any American or British political student of authority who would favor the forcible annexation of that province to the Republic of Poland. If this is done, then the hope of a permanent settlement of the Polish-Ukrainian problem must be despaired of, and another great center of national dissatisfaction will have been created, not only to the detriment of the Ukraine, but to that of Russia as well.

The independence of the Ukrainian State does not preclude the organization of the United States, composed of free nations, occupying the territory of the former Russian Empire, and as a matter of fact, the Ukrainian people have not been averse to the idea of such a federation. Their political leaders have the credit to be the originators of the above idea in the middle of the nineteenth century, and the Ukrainian people approved of it during the revolutionary period of 1917. The modern tendency is toward the unification of states in the economic as well as other spheres, and that tendency is rightly to triumph in the end, but it must not be forgotten that old Russia was not an organic unit, and both the Tzarist as well as Prince Lvoff's and Kerensky's, and subsequently, Lenin's régime, show that the Russian people are not capable of organizing such a federal union from above. It requires a much greater political ability than the Russian race can justly claim, and, therefore, it is much safer to first recognize the independence of separate states as a basis for their union, than to forcibly incorporate them in one assumably indivisible Russia.

Once a series of strong independent states has arisen from out the ruins of the Russian Empire of the past, says a Ukrainian statesman, these will then be in a position to examine their relations, economic, social, and political, with one another, and to build up a system of cooperation among themselves, whose foundations will rest upon natural evolution and spontaneous action.

Ukraine surely deserves credit for its tenacious struggle for liberty. Unaided and unrecognized, attacked by the Polish and Roumanian Armies in the west, and by Gen. Denkin's troops in the east, ravaged by typhus, void of medicine, supplies, machinery and munitions, the Ukrainian people have been able, after four years of war, and without adequate preparation for self-government, to organize under Gen. Simon Petlura a military defense against Bolshevism and a democratic state for the people, including schools, universities, and other educational institutions. Indeed, notwithstanding its gallant struggle against repeated invasions by the Bolshevist armies of Russia, the Ukrainian Republic until the present time did not receive any encouragement from America, and even people suffering from typhus were not successful in their appeals to the American Red Cross.

The American people of Ukrainian descent believed that the United States Senate would pass a resolution in favor of the recognition of a free Ukrainian Republic.

While there seems to be a fundamental difference between the Governments of France and Great Britain over this question, the American Government did not formulate its policy with relation to Ukraine. Both France and England would like to see the Ukrainians have to overthrow the Bolsheviki, but France apparently is opposed to recognizing their independence afterwards.

Great Britain, to the contrary, seems disposed to encourage the Baltic peoples and probably also the Ukrainians in their struggle for independence. It is assumed that

the French believe that Germany would soon succeed in dominating the independent states which might be formed in Ukraine and along the Baltic. Great Britain, however, appears to believe that she herself could dominate these states, if formed.

The people of America, by recognizing and cooperating with the Republic of Ukraine, would, besides laying the foundation for a peaceful development of eastern Europe, secure an open door for American commerce with a nation equal to that of Italy in number, and occupying a territory which is twice as large as that of France. American machinery and enterprise, as well as such manufactured goods as boots, clothes, medicine, and others in great quantity would find a good market in Ukraine as soon as the blockade of Odessa has been lifted.

THE PROBLEM OF EASTERN GALICIA BEFORE THE PEACE CONFERENCE.

By Dr. MICHAEL LOZINSKY, Assistant Secretary of Foreign Affairs, Western District of the Ukrainian People's Republic, Chairman of the Extraordinary Delegation for Polish and Ukrainian Question.

I.

Being a member of the State secretariat of the Government of the Western District of the Ukrainian People's Republic and the chairman of extraordinary mission on Polish-Ukrainian question to the peace conference in Paris, I consider my duty to present minutely the position taken by the peace conference in regard to the Ukrainian part of Galicia.

It is well known that after the Austro-Hungary monarchy had been broken up, the Ukrainian provinces of Austro-Hungary (the Ukrainian part of Galicia, the Ukrainian part of Bukovina, and the Ukrainian part of Hungary) united and constituted the Western Ukrainian People's Republic.

On November 1, 1918, the Ukrainian National Council, organized at the convention held in Lemberg on October 19, 1918, and composed of the Ukrainian representatives to the Austrian Parliament and to the provincial diets, and of the delegates of the Ukrainian parties, took over the control of the government.

According to the later organization, the government of the Western Ukrainian People's Republic is as follows: The legislative power is vested with the Ukrainian National Council, which is to be increased by the addition of elected delegates of districts and cities. The sovereign power is exercised by the executive committee of the Ukrainian National Council, composed of 10 persons. The executive power is vested with the State secretariat, composed of State secretaries, each administering his special ministerial resort.

Immediately, during the first days of November, 1919, the Ukrainian National Council decided that the State secretariat should prepare and carry out the union of all the Ukrainian Provinces into the Ukrainian People's Republic.

After the matter had been prepared, the Ukrainian National Council, at the meeting of January 3, 1919, by a unanimous vote enacted the law proclaiming the union into one nation of the Western Ukrainian People's Republic with the Ukrainian People's Republic arisen on the ruins of the old Russian Empire.

On January 22, 1919, the union of the Ukrainian Provinces was solemnly proclaimed and celebrated in the capital of Ukraine, Kiev.

In this manner, the Ukrainian Provinces of the old Austro-Hungarian monarchy became a part of the United Ukrainian People's Republic. Until the State constitution of whole Ukraine has been elaborated, they preserved an autonomy under the name of the Western District of the Ukrainian People's Republic.

II.

Since the very moment the Western Ukrainian People's Republic was organized, Poland proceeded with a war against her in order to conquer eastern Galicia.

In this war, the Entente nations acted as mediators between Poland and Ukraine.

As early as the beginning of November 1918, when the war was still in progress in the city of Lemberg, there appeared in Lemberg the official of the French embassy in Jassy, Mr. Villain, declaring that he came with the purpose of getting acquainted with the situation and that he would be glad if he could succeed in reconciling both sides Mr. Villain came from Jassy accompanied by a Pole by the name of Sokolnicki, and all the time he worked for the Poles. As is well known, Polish-Ukrainian negotiations were going on in Lemberg. At one of the meetings, Mr. Villian was present. Here he expressed himself so unreservedly in favor of Polish claims that I, acting as the chairman of the Ukrainian delegates, was obliged to interrupt him and to call his

attention to the fact that he was speaking not as if he were an impartial mediator, but as if he were a Polish agent.

About the end of January 1919, there arrived in Lemberg the mission of Entente nations, headed by the French Gen. Bartelmy, and composed of the representatives of France, England, United States, and Italy. The said mission stayed a long time in Lemberg, taking part in the banquets to them by Polish authorities, and toasting to the honor of Poland. Polish newspapers wrote that this mission has for its object to bring about an armistice between the Poles and the Ukrainians. To the general astonishment, however, the mission were preparing themselves for this task only in Lemberg and only in Polish circles. They neither tried to make any connections with the Ukrainian circles in Lemberg, nor did they go out into the Ukrainian territory with the purpose of learning the Ukrainian problem.

About February 20, the mission headed by Bartelmy demanded from the Ukrainian chief commandants to stop fighting, declaring that they intended to carry on negotiations with the object of bringing about Polish-Ukrainian armistice, but they will not carry the negotiations unless fighting will be stopped. At the same time the mission declared that should the Ukrainian commandant in chief refuse to stop fighting, this will be interpreted as meaning that the Ukrainian government rejects the mediation of the Entente powers.

The Ukrainian commander in chief, after a conference with the State secretariat, agreed to suspension of hostilities, which became effective in the morning of February 25.

In the evening of the same day, the delegates of the State secretariat arrived in Lemberg in order to carry on the negotiations about the Polish-Ukrainian armistice.

The whole day of February 26 was spent in conference of the Ukrainian delegates with the Allied mission; the mission were informing themselves on the Ukrainian question.

After this the mission demanded that the Polish and the Ukrainian delegates hold a common meeting, and declared it is the wish of the mission that both sides should reach an agreement. In case no agreement will be reached, the mission itself shall present the parties with an agreement of armistice.

The conference which was held with the Poles on February 26, in the evening, accomplished nothing.

On February 27 the mission of Barthelmy passed into the territory of the Ukrainian state, to the city of Chodorow, in order to meet Petlura, the president of the Ukrainian directorate, who at that time came to the Ukrainian commander in chief in Chodorow.

On February 28 the mission presented both sides with their proposal of armistice. According to this plan the line of demarcation between the two fighting sides should pass to the east of the city of Drohobyez. This meant that the Ukrainians had to leave in the hands of the Poles not only this part of Ukrainian Galicia which was occupied by the Poles, but also to cede to the Poles vast territory, together with the oil wells in the neighborhood of Drohobyez, which were then on the unthreatened possession of the Ukrainian army.

Of course the Ukrainians could not accept such an armistice. The war went on. The State secretariat, in a wireless message, presented to the Supreme Council of the peace conference the partisan behavior of the Allied mission and demanded an impartial solution of the question.

The Supreme Council discussed the question at its meeting on March 19 and decided to appeal to both parties to sign an immediate armistice on the basis of the front line. The Supreme Council went on to declare "that they are ready to listen to both sides as to the territorial claims and to mediate in Paris between the Polish and Ukrainian delegates or through some other representatives selected by both sides for the purpose of amending the provisions of the armistice."

Having received this decision of the Supreme Council, the State secretariat immediately answered that it has been accepted, and ordered Gen. Pavlenko, the commander in chief, to make suitable arrangements.

On March 27 the Polish and the Ukrainian representatives met in the city of Chyrow. However, the armistice was not agreed upon, as the Poles refused to sign the armistice on the basis announced by the Supreme Council in the decision of March 19 and demanded that the armistice be made on the bases of the plan of the Gen. Barthelmy.

The Ukraninian government notified the Supreme Council of this attitude of the Poles.

Confident that the Supreme Council will force the Poles to sign the armistice, the Ukrainian government repeatedly made offers of armistice negotiations, the last offer dated May 19. The Poles, however, rejected every offer.

Thus the war, which the Ukrainians wanted to stop, conforming to the appeal of the Supreme Council of February 19, was going on, due to the fault of the Poles. The

Poles, who just at that time received permission for passage of the Polish army of Gen. Haller from France to Poland, decided to continue the war, hoping by means of that army to occupy the entire eastern Galicia.

Beside their—as we have seen—unsuccessful endeavors on the spot purporting to bring about the suspension of hostilities, the State secretariat, having in mind the declaration of the Supreme Council that it is ready to mediate between the two parties in Paris, dispatched to Paris an extraordinary delegation for the Polish-Ukrainian question, composed of three men: Dr. Michael Lozinsky, the assistant secretary of foreign affairs, as chairman of the delegation: Col. Dmytro Witowsky, the late State secretary of military affairs, as a member of the delegation: and Mr. Alexander Kulchitsky, the official of the State secretariat for foreign affairs, as secretary.

Before the delegates have arrived in Paris, the Supreme Council organized a committee for the Polish-Ukrainian armistice, connected with the peace conference and composed of the representatives of France, England, the United States, and Italy and headed by the English Gen. Botha.

The said committee invited the Ukrainian delegation in Paris to a meeting for April 30. This meeting was attended by Mr. Sydorenko, the chairman of the delegation, and Mr. Shulgin, the member of the delegation, and they declared that a special delegation for the Polish-Ukrainian question is due in Paris.

On May 8 this special delegation, having arrived in Paris, gave the committee such information as was asked by the committee, Gen. Botha, the chairman of the committee, declaring that the committee receives only the information necessary for arranging the armistice. Who has the right to the Ukrainian Galicia, the Poles or the Ukrainians, the Supreme Council shall decide only after the armistice has been arranged; only then both sides will be given a hearing as to their respective rights.

On May 12 the committee presented to the Ukrainians and the Poles—each side at a special meeting—the plan of the armistice. This plan fixed the line of demarcation to the west of Drohobyez, so that the oil wells in the neighborhood of Drohobyez had to remain in the hands of the Ukrainians.

The Ukrainian delegates presented the committee with a memorandum in which they declared their consent, in principle, to the plan of armistice, demanding at the same time a whole series of changes as to the line of demarcation and military provisions.

At its meeting of May 13 the Ukrainian delegation declared that it accepts the draft of this armistice, expressing at the same time its hope that the committee will take under consideration the demands laid down in the memorandum of the delegation.

In this manner the question of armistice was settled, as far as the Ukrainian side was concerned. The arrangement of armistice depended thus upon the Polish side.

The Polish Government, however, refused to agree to the plan of armistice, but ordered a general offensive against the Ukrainian army in Galicia, using for this purpose the army of Haller.

Seeing this, the Ukrainian delegation addressed a note, dated May 21, to the Supreme Council, demanding the protection of the Ukrainian territory against the Polish offensive.

As a consequence of this note, this very day the Ukrainian delegation was summoned before the Supreme Council to a hearing. The Ukrainian delegation presented the events in Galicia and demanded an order to stop immediately the Polish offensive.

On May 22, the Ukrainian delegation was received by Clemenceau, the president of the conference, who notified it that the Supreme Council addressed to the Polish Government a demand to give explanation in the matter of the Polish offensive.

The Polish offensive, of course, was going on. Then the Extraordinary Ukrainian delegation sent a communication to Gen. Botha, the president of the committee on the Polish-Ukrainian armistice, asking him how the matters stand with the armistice. Gen. Botha, in a letter dated May 26 answered that the Polish Government rejected the plan of armistice, and that the question was referred to the Supreme Council.

The Extraordinary Ukrainian delegation then, on May 27, addressed a note to the Supreme Council, presenting the course of events and demanding that the Supreme Council stop the Polish offensive and force the Poles to consent to the armistice.

On June 5 it was reported by Paris newspapers that in answer to the inquiry of the Supreme Council about the Polish offensive, Pilsudski, the chief of the Polish State and the commander in chief of the Polish army, replied that the Polish offensive was only a defense against the Ukrainian offensive.

This reply was a sheer mockery at the true state of affairs. As it was pointed out by us, the Ukrainian army since the time the answer of the Supreme Council of

March 19 had been received, restricted itself all the time to the defensive, awaiting the signing of the armistice. The Polish offensive was ordered by the Polish commander in chief Pilsudski in consequence of the decision of the Polish Diet, which protested against the armistice and demanded the offensive in order to occupy whole Ukrainian Galicia.

To throw the true light upon the reply of Pilsudski the Extraordinary Ukrainian delegation sent to the Supreme Council the note of June 6.

The Polish army, having received all necessary from the allied powers, began to take the upper hand over the Ukrainian army, left to its own resources, and taken up with the war against the Russian Bolsheviki.

In this way the Poles carried the war against the Ukrainians twice against the will of the Supreme Council. The first time after the decision of the Supreme Council of March 19, while rejecting the Ukrainian offer at armistice; the second time rejecting the plan of armistice offered by the committee on Polish-Ukrainian armistice.

The Ukrainian Government, having declared its consent to the plan of armistice, had the full right to expect that from this moment it stands under the protection of the Supreme Council and that the Supreme Council will order the Polish Government to stop the offensive and to sign the armistice. But it happened otherwise. After the Poles had occupied a greater part of Ukrainian Galicia, the Supreme Council, without asking at all the Ukrainian delegation, having carried the negotiations with the Polish Government only, reached on June 25 the following decision:

"To protect the persons and the property of the peaceful population of eastern Galicia against Bolshevist bands, the Supreme Council has authorized the forces of the Polish Republic to carry on the occupation of the country as far as the River Zbrucz. The present authorization does not prejudicate in any way the decisions which will be made later by the Supreme Council in reference to the political status of Galicia."

To this decision by which whole Ukrainian Galicia was delivered to the Polish occupation, the Ukrainian delegation entered a protest in the note of July 2. The said note, after adducing the evidence to the fact that such an occupation of Ukrainian Galicia is a violation of entity of the Ukrainian Republic and an outrage committed on the Ukrainian people, protests against the sanction of the Polish occupation by the Supreme Council.

The Supreme Council further decided that the subcommittee for Polish affairs shall draw "an internal status for eastern Galicia." To the meeting of the said subcommittee, which was held on July 3, the Ukrainian delegation received an invitation, stating that they should send to this meeting delegates belonging to eastern Galicia; i. e., born and resident in the said Province. Thus the Ukrainian delegates were denied the right to represent eastern Galicia as a part of the Ukrainian Republic, and only those members of the delegation who were born and resident in Galicia were to be heard by the subcommittee, therefore not as the representatives of the Ukrainian populace of eastern Galicia.

For this reason the Ukrainian delegation refused to take part in the mentioned meeting, declaring in a note dated July 3 that eastern Galicia although occupied by force by the Poles is a part of the Ukrainian Republic.

On July 11 the Ukrainian delegation received an official notice that the Supreme Council reached the following decision in the question of eastern Galicia: "The Polish Government is authorized to establish in eastern Galicia a civil government, after having fixed with the Allied and Associated Powers an agreement whose clauses shall guarantee so far as possible the autonomy of this territory and the religious and political liberty of its inhabitants. This agreement shall be based on the right of free disposition, which, in the last resort, the inhabitants of eastern Galicia are to exercise regarding their political allegiance. The period at which such a right shall be exercised shall be fixed by the Allied and Associated Powers or by the organ to which these delegate their power."

Against this decision of the Supreme Council the Ukrainian delegation entered a protest in the note dated July 15.

III.

Thus the Supreme Council of the Peace Conference decided the controversy for eastern Galicia in favor of the Poles. Such decision is opposed not only to those principles enunciated by President Wilson in the name of the Allied Powers, viz, that every nationality should not be enslaved by any other nationality, but should possess the right to decide freely her own fate. It is also opposed to the decision of the Supreme Council of March 19, 1919, in which the Supreme Council promised to mediate between Poland and Ukraine. Instead of mediating, the Supreme Council made a partisan decision favoring Poland.

Had Ukraine and Poland each left to her own powers carried a war for eastern Galicia, and had Poland occupied eastern Galicia as a victor of the war, such solution would be unjust, but self-understood. Poland would occupy eastern Galicia "by right of might."

Here, however, the question was solved by the Supreme Council of the Peace Conference, which has proclaimed herself as introducing a new order into the world in the name of right and justice.

We ask, Do right and justice require that the Ukrainian people, who number about 40,000,000, and are therefore one of the largest nationalities of Europe, should be deprived of the right to build the State of their own and that they should be forced again into subjection from which they had delivered themselves with their own powers?

Do right and justice require that the Ukrainian people of eastern Galicia, who threw off the yoke of Poland and declared their will to constitute with all Ukrainian people one Ukrainian Republic should be forced again under the Polish dominion?

Do right and justice require that in the question of eastern Galicia should decide not the will of the overwhelming Ukrainian majority, but the will of the negilgible Polish minority?

Do right and justice require that the Ukrainian people of eastern Galicia be delivered into the dominion of very same Poland against which they have been at war? Could it be justly expected that Poland, which for centuries has sought expansion to the east, to subjugate the Ukrainian territory, which had already many a time destroyed this land with fire and sword, that this Poland, having now obtained from the Supreme Council the mandate to occupy eastern Galicia, will rule heri n accordance with right and justice?

The reality tells quite different story. Having occupied Eastern Galicia, the Poles with fire and sword, with volleys and gallows, with jails and coercions, take revenge on the Ukrainians for their refusal to continue under the Polish dominion, for their desire to become free. Poland's object is to extirpate the Ukrainians of Eastern Galicia in order thus to safeguard her control of the country.

Delivering Eastern Galicia under the Polish rule, did the Supreme Council take under consideration the fact that thus it delivers all the Ukrainian people of this country into the hands of their enemy, to be killed, tortured, persecuted, without any possible protection in sight? Should one even suppose that the Ukrainian people have no right to freedom and independence, even then the consideration of humanity should have recommended to grant some protection to those millions of the Ukrainians, with whom the Polish authorities may deal in the way they please, pretending before the Supreme Council that they "are destroying Bolshevist bands."

It is stated by the Supreme Council that it has authorized Poland to occupy Eastern Galicia in order to protect the peaceful population against Bolshevist bands. As a matter of fact, however, there was no Bolshevism in Eastern Galicia under the rule of the Ukrainian Government. Quite the contrary, the Ukrainian army of Eastern Galicia defending the country against the Polish invasion from the west, at the same time took a prominent part in the war of the Ukrainian Republic against the invasion of the Russian Bolsheviki from the East. And after Russian Bolshevist army invaded Ukraine, penetrating to the river of Zbrucz, it was here that the Ukrainian army of Eastern Galicia blocked their way and prevented them from uniting with Hungarian Bolsheviki. This the State Secretariat of Western Ukraine has done, after it had rejected favorable offers of the Bolshevist governments of Russia and Hungary. It was done in belief that the Supreme Council will protect Ukraine.

While in all surrounding countries, not only in Russia, whence Bolshevism has flooded a part of Ukraine, but also in Poland, Roumania, Bohemia, Hungary, and German Austria and Germany were considerable Bolshevist movements, just the Directorate of the Ukrainian Republic was the power which stopped the westward march of the Bolsheviki, and Eastern Galicia has been the only country where no Bolshevism existed.

This will be confirmed by future historians in contradiction to the lie spread broadcast by the Poles in order to obtain from the Supreme Council the permission and assistance to root up the Ukrainian people under the pretense of the struggle against Bolshevism.

Future historians will also corroborate our statement that had Ukraine been really Bolshevist, then Bolshevism, not stopped by Ukraine, would have freely flooded all Poland, Roumania, and Balkans, would have joined hands with Bolshevism of Hungary, Bohemia, German Austria, and Germany. Should this have happened, the present situation in Europe would in all probability be different than it is now.

Future historians will have also to confirm that if this had not happened, it was Ukraine's merit (from the standpoint of the Allied Powers, and her fault from the standpoint of Bolsheviki).

As a reward for this service, the Supreme Council intends to divide whole Ukraine among her neighbors, and has already delivered Eastern Galicia under Poland occupation and control.

It is said by the Supreme Council that a treaty regarding Eastern Galicia is to be made between Poland and the Allied Powers, which will have to guarantee "as far as possible" her autonomy and the liberties of her inhabitants. We ask: Aren't the people of Eastern Galicia a nationality which is entitled to the right to decide about themselves, or are they only an object which others have the right to bargain with without asking its will? Isn't Eastern Galicia a part of the Ukranian Republic; hasn't she her own government that the fate of the country is being decided without the participation of the lawful representatives of the Ukrainian people and the contrary to their will declared in an unmistakable manner? And where are the guarantees that the treaty will really safeguard the interests of the Ukrainian people and that the Polish government will actually carry it out?

The Supreme Council promises the Ukrainians of Eastern Galicia that the treaty will be based upon the principle of self-determination to be carried out later.

Thus under the control of Poland, which is an enemy of the Ukrainian people, which carried on a war against Ukraine to occupy Eastern Galicia, under the control of this very Poland, the inhabitants of Eastern Galicia, will have to assert their rights of self-determination. Will not Poland use all her power to crush the Ukrainina population, to terrorize them, to break down all their efforts to gain independence, to prevent them from declaring their real will? And after the Polish Government will have prepared everything, could it possibly be supposed that it will issue an order "to exercise the right of self-determination," when Poland will be sure that such action will decide the question, should Eastern Galicia belong to Poland or not?

It is so clear that Poland, having gotten possession of Eastern Galicia, will do all in her power to assure herself forever the control of the country—that it is simply a wonder that the Supreme Council failed to take cognizance of it.

It happened Eastern Galicia, a Ukrainian country from time immemorial, a part of the Ukrainian Republic, has been delivered into the power of Poland. It is up to the Supreme Council to make reparations for the evil done.

NOTES UPON THE UKRAINIAN-POLISH RELATIONS IN GALICIA DURING THE LAST 25 YEARS (1895–1919).

By MICHAEL LOZYNSKY, Doctor of Laws, under-secretary of state for foreign affairs for West Ukraine.

GALICIA.

Area.—The area of Galicia is 30,311 square miles.[1]

Population.—Galicia had in 1900 a population of 7,295,538. The two principal nationalities are the Poles (45 per cent) and the Ruthenians[2] (42 per cent), the former predominating the west and in the big towns, and the latter in the east.[3]

Galicia had in 1910 a population of 8,025,675; Poles, 4,672,500 (58.55 per cent); Ukrainians, 3,208,092 (40.20 per cent).

Seeming increase of Polish population from 1900 to 1910, 13.55 per cent.

Seeming decrease of Ukrainian population during the same decade nearly 2 per cent.

Religion.—Census of 1910:[1] Roman Catholics, 3,731,861 (46.50 per cent); Jews, 871,906 (10.86 per cent); Greek Catholics, 3,379,616 (42.11 per cent).

Since Ukrainians in Galicia are mostly Greek Catholic, Poles Roman Catholic, and Jews are Jews, it follows that the official Polish census takers had to enter all Roman Catholics, all Jews, and even some Greek Catholics as Poles—in order to obtain "the official proof" that Poles are in the majority in Galicia.

History.—During the reign of Daniel Romanovich (1222–1266) and those of his immediate successors the country (Galicia and Lodomeria) enjoyed remarkable prosperity and attained to a high degree of civilization. In 1340 the house of Roman died out and soon after Galicia and Lodomeria came under the sway of Cassimir the Great of Poland, and except for an interval of a decade and a half (1370–1386) formed a part of Poland till the first partition of that country in 1772.[1]

Agriculture.—Galicia is more purely agricultural than any other of the Crown lands of Austria, no less than 77 per cent of its population depending for a living directly on the soil. The unequal distribution of the land (in Galicia) is shown by the fact that while one-third of the cultivable area is in the hands of large landholders owning estates of over 1,400 acres each, about one-half consists of holdings of less than 14

[1] The New International Encyclopedia, second edition, 1915, Vol. IX, pp. 407, 8, 9.
[2] The name Ruthenians was applied to Ukrainians living within the borders of Austria-Hungary, the same as the name Pennsylvanians is applied to Americans living in the State of Pennsylvania.
[3] Encyclopedia Brittanica, eleventh edition; 1911, Vol. XI, p. 401.

acres in extent. This state of affairs, together with the industrial backwardness of the country, is chiefly responsible for the wretched condition of the agricultural classes. Most of the peasants are unable to make a living from their small farms, and consequently large numbers are obliged to emigrate for a part of the year to Russia, Russian Poland, and Germany. There they work for low wages, while their families attend to the farms at home.[1]

All large landholders in Galicia are Polish.

Fierce struggle.—The period since 1848 has been marked by a fierce struggle between the Polish and Ruthenian nationalities, the former seeming to retain their almost absolute ascendancy, and the latter striving to win their share of political rights and a voice in the Government.

PREFACE.

In order to retain possession of the territories of Ukrainian Galicia now occupied by their army, the Poles have lately dared affirm that relations between Ukrainians and Poles previous to the war were constantly growing better. That East Galicia "liberated" from the Ukrainian Government would readily accept Polish rule and occupation.

This assertion is completely disproved by a simple exposé of the facts that have occurred in the course of the last 25 years.

PARIS, *June 25, 1919.*

INTRODUCTION.

About 1870 an agreement was reached between the Poles of Austria and the Hapsburg dynasty. The Poles agreed to support the dynasty and the monarchy; in exchange for this support there was granted them unlimited power and authority over the Ukrainian people of Eastern Galicia, which for this purpose was then united to West Galicia.

This fact was followed by a score of years of oppression on the part of the Poles. Then, being persuaded that 20 years of oppression had made the Ukrainian people more conciliatory the Poles in 1890 proposed a Ukrainian-Polish agreement. The Ukrainians were promised some concessions in the domain of public instruction, some rights regarding use of the Ukrainian tongue in the courts and in public offices, participation in the administration and in the department of justice. It is evident that all these concessions were reduced to a minimum—"That you may not get indigestion," was the cynical remark to the Ukrainian deputies by the then governor of Galicia, the Polish Count Casimir Badeni.

Weary of the difficult struggle they had been obliged to wage in order to maintain the national existence of their country, the Ukrainian statesmen accepted this agreement. But disillusions followed rapidly. It became clear that the Poles had no intention of keeping promises, even though reduced to their simplest expression.

The Ukrainian deputies who had made this agreement saw themselves forced to again join the opposition. This then was the beginning of a period of 20 years (1895–1914) of an Ukrainian-Polish strife wavering ever fiercer.

POLISH METHODS.

The aim of Polish policy in East Galicia has been:

1. To annihilate the native element of this country which has been Ukrainian for centuries until it becomes a national minority.

2. So to hinder its development that it may become a backward body deprived of higher forms of life.

For the attainment of this end the following measures have been taken by the Poles:

I. THE POLITICAL POWER.

To render easier the suppression of the Ukrainian element, the Poles first seized the political power in Galicia and also acquired the necessary influence over the political administration in Austria. Legislation itself aided them. The electoral system in the Austrian Parliament, as well as the electoral system in the Galicia Diet, were based upon the reactionary systems of the higher privileged classes, especially that of the great landed proprietors. From the fact that the higher classes in Galicia were Polish the law itself thus placed the authority in the hands of the Poles; but even this did not satisfy them. Ukrainian opposition in the Austrian Parliament as well as in the Galician Diet was an obstacle in their path and they accordingly suppressed it by very simple means.

[1]The New International Encyclopedia, second edition, 1915, Vol. IX, pp. 407, 8, 9.

At the elections the Ukrainian electors were unable to get to the urns, and in case they insisted, they were thrown into prison and then condemned for the crime of having offered resistance to the authorities, and even shot upon the spot. The result naturally was that both in the Austrian Parliament and the Galician Diet Ukrainian influence was a mere cipher. All political power was usurped by the Poles.

II. The Department of Justice and Public Offices.

Possessing administrative power over all Galicia, the Poles held all the positions in the department of justice and all other public offices. From all administrative positions the Ukrainians were wholly excluded; the officials were all Poles. Ukrainians were admitted to some positions in the department of justice, but only in limited number. The rule was that the highest positions were not accessible to the Ukrainians. The Ukrainian employee might take no part in national life under penalty of dismissal or recall.

In this way all executive power remained always in the hands of the Poles.

III. Public Instruction.

(*a*) Primary schools.

In Ukrainian villages lower primary schools only were established, and even those were few in number. The manuals, even those in the Ukrainian language, attacked the national sentiments of the Ukrainians, glorifying Polish domination over the Ukrainian nation. Teachers' positions were mostly reserved for Poles. Everywhere the Polish language was obligatory. In the villages and cities there was not a single primary school of higher grade with instruction in the Ukrainian tongue. In Polish schools not any attention was paid to the Ukrainian children.

(*b*) The higher schools.

In 1868 the Galician Diet passed a law in accordance with which instruction in the high schools and in the technical schools of Galicia should be only in the Polish language and that the higher grade schools where instruction was given in Ukrainian might be established only by special authorization of the Diet. At the time of the passage of this law there was in Galicia only one Ukrainian school of higher grade, that at Lviv (Lemberg). Since that time the Polish majority in the Diet has authorized the establishment of but four Ukrainian higher schools: At Peremyshl (1888), Kolomea (1892), Ternopil (1898), Stavislaviv (1895). It must be added that it was at the cost of a struggle lasting for years that a single Ukrainian higher school was obtained from the Diet.

During the half century of Polish administration in Galicia (1868–1918), authorization was granted the Ukrainians for the creation of only 5 higher schools, while in the same space of time almost 100 Polish schools have come into being. Attendance at these schools was made difficult for the Ukrainian children by two facts: In the first place, instruction was given in a foreign language (Polish), and the Ukrainians were also submitted to unfair treatment.

(*c*) The university.

The University of Lviv, established by the Austrian Government, gave instruction until the year 1860 in the German language; upon abolition of German as medium of instruction, the Poles seized the university, leaving only a few chairs to the instruction given in Ukrainian. Theoretically the creation of new chairs employing the Ukrainian tongue in their instruction depended upon the decision of the council of the university. In reality, however, the latter in the course of the last 25 years, has permitted no new Ukrainian chair. About 1900 the Ukrainians asked for the establishment of an Ukrainian university separate from the Polish university. All the Poles rose with the greatest fury against this request. The battle was waged in the Austrian Parliament, in the Galician Diet, and by public manifestations; even in the bosom of the university. They even dared to organize, under the placid eye of the university authorities, combatant corps among the Polish students who were to disperse by means of revolver shots the Ukrainian students' demonstrations in favor of the foundation of an Ukrainian university.

Thus by their policy in the domain of public instruction, in pursuance of a long-nourished plan, the Poles thus hindered the educational development of the Ukrainian people.

When they now maintain that this race does not possess within itself sufficient intelligence and intellectual strength to form a State, it should not be forgotten that this is directly the sad consequence of their premeditated policy consequentially exercised in all their dealings with the Ukrainians.

IV. Religion.

The Ukrainian people in East Galicia belong to the Catholic regliion of the Greek rite; the Poles also are of the Catholic religion, but of the Latin rite. Dogmatic differences between the two churches are nonexistent. There are ritual differences only between them. The Greek Catholic Church bears the national Ukrainian character; the Latin Catholic Church the national Polish character. The Poles have profited by this to make of the Latin Church an instrument for Polonization.

The Ukrainians who, from the force of the situation, were completely dependent upon the Poles (servants, agricultural laborers, factory hands, petty employees), were compelled by the Poles, under penalty of losing their places, to join the Latin Church. In this manner the Ukrainians, by joining the Latin Church, became Polonized.

The Ukrainian Church and the Ukrainian clergy in comparison with the Polish clergy were continually kept in a state of humiliation. The Polish administration endeavored to undermine the authority of the Ukrainian priests among the Ukrainian population. It has happened that the Polish administration, aided by the gendarmes, has dispersed the worshippers in attendance upon religious service (as for example in 1907, at the inauguration of Narodny Dim, a national institution, in the little city of Kopychynci). The Ukrainian priests were always arrested in cases where they made themselves defenders of the national interests of the people, as, for example, at elections, and these arrests were invariably conducted with great brutality; the priests were put in bonds to lessen their authority.

V. Rights of the Ukrainian Language.

According to the laws of Austria the Ukrainian language had some rights in civil administration. For instance, the Ukrainian citizen enjoyed the right to address himself to public departments of the civil administration in the Ukrainian language, either orally or in writing, and the officials were to use the Ukrainian tongue in the exercise of their office.

But in reality every Ukrainian who attepmted to take advantage of this law found himself beset by numerous annoyances. To demands written in Ukrainian the Polish functionaries either did not reply at all or replied unfavorably. The answers were ordinarily written in Polish. Sometimes the Ukrainians refused to accept them. The Polish officials would then resort to subterfuge, typewriting the addresses in Ukrainian, while the contents were couched in the Polish language. When verbal information was in question, the official would angrily declare that he did not understand the Ukrainian langauge, or, still more simply, that he did not wish to use it.

To demand of him that he use this language meant to set him against oneself and against the business under consideration.

In short, although theoretically admitted, the Ukrainian language was as a matter of fact but rarely used.

VI. Agrarian Conditions.

East Galicia is a land of peasants. The peasants have too little land to be able to cultivate their fields according to modern methods, for a large part of the land is in the hands of great landholders. The small proprietors are Ukrainians, the great, Polish. A rational agrarian policy should aim at buying up the great estates and parceling them out among the peasants in order to give them the size necessary for rational cultivation. The agrarian policy of the Poles followed a diametrically opposite direction; it ruined the Ukrainian peasant in order to oblige him to emigrate and make room for Polish colonization. The Poles hoped thus to obtain after a while a numerical majority in East Galicia.

Taxes crushed the Ukrainian peasant, who was already so weak economically. Every day he mortgaged his land more and more till he was obliged to sell it and to emigrate to America. The Polish majority of the Diet did nothing and did not want to do anything to help the Ukrainian peasant. Quite on the contrary, the Polish press rejoiced loudly whenever such emigration changed the numerical proportion in favor of the Polish element. Moreover, the place given up by Ukrainian peasants was at once taken by Polish settlers.

But the Ukrainian intellectuals have at last succeeded in organizing the peasant class and improving their economical status. Ukrainian credit associations were formed in order to assist them in acquiring new land. And so the Poles listened only to this command: Do not sell any land to Ukrainian farmers. When some great landed proprietor consented to sell his land to Ukrainian peasants the Polish press vilified him, calling him traitor and reproaching him with having handed over the land to

the enemy. With the assistance of the Polish administration, Polish credit associations were formed for the purpose of buying back the large rural estates and colonizing them by Poles.

Thus the way was barred which might enable Ukrainian peasants to acquire land. The latter were condemned to economic ruin, to emigration to America, or seeking means of support in the city, to accepting an inferior position, with the great Polish proprietors or with the well-to-do Polish farmers.

VII. Industry and Commerce.

In Galicia, as everywhere in Austria, commerce and industry were subject to the system of licenses. It was almost impossible for an Ukrainian to obtain a license.

As we have said, there was a steady emigration from East Galicia. Hundreds of emigration offices exploited the Ukrainian peasants frightfully. Nevertheless, the Polish administration would never permit the creation of an Ukrainian emigration office, for it might have been helpful to Ukrainian peasants.

When an Ukrainian succeeded in establishing an industrial enterprise, the Polish population boycotted him. Polish enterprises accepted Ukrainian workers or clerks only when they lacked Polish help. But even in that case they were compelled to work on Ukrainian holidays, to join Polish societies, to send their children to Polish schools, to contribute to Polish national institutions, to change their religious rites, etc. He who refused was discharged. It was especially the municipal council of Lviv which applied this system to the Ukrainian workers.

VIII. The Polish Political Parties.

Precisely during this period, from 1895 to 1914, the first place among the Polish political parties was occupied by the Pan-Polish party of Mr. Dmowski. Since 1902 this party controls the greatest Polish paper—Slowo Polskie. It announces that the sacred duty of the Polish policy, with reference to the Ukrainian people is to enlarge the "Polish possession" in East Galicia and means by that Polish dominion politically, culturally and economically. The reinforcement of such a position was to make, ultimately, of East Galicia a Polish land with an Ukrainian minority. The means employed by the Pan-Polish party to attain this end were the most brutal. The Pan-Polish press declared openly that it was necessary to adopt Prussian methods in the fight against the Ukrainians. One of the theorists of this party, Mr. Balcki, invented for the promulgation of his ideas the philosophical doctrine of "national egoism" as the supreme guiding principle of national politics. This principle has become the national basis of all Polish parties with reference to the Ukrainians. The rivalry of parties consisted in proving that only a party with such principles could fight successfully against the Ukrainians and in reproaching the other parties for their spirit of conciliation with reference to the Ukrainians. This philosophy of national egoism was adopted by all parties, not excepting the Socialists. The last 10 years preceding the war, the Polish Socialists tried in every way possible to prevent the Ukrainian Socialists from organizing the Ukrainian urban proletariat independently of the Polish proletariat.

IX. Social Relations.

Ukrainian and Polish societies live an entirely separate life. The Ukrainians meet in Ukrainian societies and organizations and the Poles in Polish societies and organizations. There is no connection between Ukrainians and Poles. Even in restaurants and cafés they avoid each other. During the last 25 years, there have been almost no intermarriages; if there have been some they are truly unfortunate exceptions. Either the Ukrainian must submit to the ideas of the Pole, or there results a conflict of nationalities between husband and wife and between brothers and sisters. There are families in which the Polish father has, during the present war, sent his son against the Ukrainians while the Ukrainian mother prayed for the military success of her native country, or vice versa.

The Principal Facts in the Ukranian-Polish Struggle (1895–1914).

1895.—The Polish administration prevented the Ukrainian peasants from taking part in the elections of the Galician Diet. For this purpose they resorted to wholesale arrests and political trials. In consequence only three Ukrainian deputies of the opposition were elected. In addition to these deputies, there were also elected a few others who were in favor of the agreement of 1890, this with the help of the Poles.

The exasperation which these electoral methods created among the Ukrainians showed itself in the sending of a very numerous deputation to Vienna. It was com-

posed of several hundreds of peasants, priests, and intellectuals, and their purpose was to present to the emperor a memoir in which the abuses of Polish authorities during the election period were set forth; but Casimir Badeni, who was then prime minister, succeeded in preventing the reception of this deputation by the emperor.

1897.—The elections to the Austrian Parliament brought about a repetition of electoral terrorizing in order to hinder the Ukrainian peasants from taking part in the elections. The peasants, profiting by their experience of 1895, began to resist in a body. In many localities the gendarmes fired upon the peasants; several were killed and many wounded. Among the most notorious murders was that of Peter Stasuk at Tchernief, district of Stanislaviw. After the elections, trials of Ukrainian peasants took place, and the total of the prison sentences amounts to more than a hundred years. These elections caused some lively debates in parliament and have been called, in history, the "bloody elections of Badeni." There appeared in parliament only three Ukrainian deputies of the opposition and a few Polish favorites of Ukrainian nationality.

1900.—In 1900 elections for the Austrian Parliament took place. Again the same methods were repeated. Ukrainian peasants are not allowed to vote; Ukrainian electors are arrested wholesale; political trials are instituted against them. Only four Ukrainian deputies of the opposition appear in parliament and some Ukrainians who are in the service of the Poles.

1901.—Elections to the Galician Diet proceed in the same manner.

At the University of Lviv takes place (November, 1901), an exodus of Ukrainian students. At the beginning of the semester the Ukrainian students ask the president for permission to hold their meeting in one of the halls, in order to discuss the question of the Ukrainian University. They are refused. The Ukrainian students paid no attention to this refusal. Then the president decided to have the meeting dispersed by the janitors of the university and the Polish students. He issued thereupon a proclamation in which he called the Ukrainian students "savages." As a protest against this proclamation the Ukrainian students left the University of Lviv and entered other Austrian universities.

1902.—All over East Galicia general agricultural strikes occurred. The Ukrainian peasants refused to work on the land of the great Polish proprietors. The strikes assumed a national character and turned into a fight of the Ukrainian peasants against the Polish proprietors. The Polish authorities tried to stop the strike by force of arms; gendarmes and soldiers were sent against the peasants. Arrests took place in the villages; neither old men, nor women, nor children were spared. They were handcuffed and led in long lines, tied together by long poles. These processions recalled the methods of the Mongolian hordes who led the Ukrainian population into slavery in the same manner. The total of prison sentences amounted to several centuries of imprisonment.

Similar strike agitations were repeated every year. The Polish authorities suppressed them by the same methods.

1903.—The manifestion of the Ukrainian students against Mr. Fialek, the president of the university, was offensive on the part of the Ukrainian students. Being provoked, they threw rotten eggs at him. The authorities of the university took the matter before the courts and some Ukrainian students were sentenced to prison.

1904.—While Koerber, the president of the Austrian Council of Ministers, was in Lviv (August, 1904), there took place in that city a meeting of Ukrainian delegates of the whole country in order to protest against the Polish method of government. After the meeting, a procession passed through the streets of the city. The governor of Galicia, the Polish count, Andrew Potocki, ordered the procession to be broken up by the soldiers. The last act of these events took place before the courts.

1905–1907.—A great Ukrainian movement in favor of universal suffrage for the Austrian Parliament takes place. The governor, Andrew Potocki, suppresses this movement by the gendarmes and soldiers. He makes in person the tour of the country, assembling the peasant delegates and threatening them with the gallows. In order to disperse the meetings of peasants, the gendarmes and soldiers used their arms frequently. In the village of Ladske, in the district of Towmacz, five peasants were killed by rifle shots.

1906.—This year saw demonstrations of Ukrainian students at the university (March, 1906), provoked by the refusal of the president to permit meetings for the purpose of establishing the Ukrainian University. These demonstrations ended in a regular battle between the Polish and Ukrainian students. The same events were repeated in December, 1906.

1907.—In January, 1907, the protest of the Ukrainian students of the University of Lviv was renewed. This time the Ukrainian students losing patience demolished the reception hall and beat the professors. The president asked for the help of the

police; the latter arrested all the Ukrainian students and threw them into prison, where they were kept until the trial should take place. As the examination was dragging on, the Ukrainians protested by a hunger strike.

The affair became known throughout the whole State and even beyond its borders. Then the court decided to free the students. Later on, some of the students were sentenced to severe imprisonment.

The Polish writer, Henry Sienkiewicz, wishing to disparage the Ukrainian students, wrote in the Vienna paper "Die Zeit" that the hunger strike of the Ukrainian students had been a mere sham, and that in reality the students held banquets and guzzled champagne. The Ukrainian students sued him before the court at Vienna, which sentenced Sienkiewicz for slander.

1908.—At the beginning of the year, elections for the Diet of Galicia took place. The Ukrainians made a vigorous electoral campaign in which the slogan was "universal suffrage for the Galician Diet." The Galician governor, Andrew Potocki, decided to make the victory of the Ukrainian candidates impossible by every means in his power. In the course of a conversation with the Ukrainain deputy, Eugene Olesnytsky, he declared that he would prepare for the Ukrainians a second "Berestetchke" (during the war of Khmelelnytsky the Poles had defeated the Ukrainian army near Berestetchko). The gendarmes prevented the electors from voting, shooting some. The best known is the murder of Marko Kahanetz in the district of Bouchach.

On the 12th of April, 1908, the Ukrainian student Miroslav Sichinsky obtained an audience with the Polish governor, Andrew Potocki, and killed him with a revolver shot. He gave a very concise and clear explanation of his deed: "The assassination of Kahanetz called for the death of Potocki."

The whole Ukrainian society assumed the responsibility for the deed of Sichinsky and the people glorified him like a national hero.

The Poles in their turn directed their wrath against the whole Ukrainian nation, calling it a "nation of assassins." Wherever the Ukrainians depended in any way upon the Poles, they were rigorously persecuted. At the risk of losing their positions, the Ukrainians employed in public service, in private and public institutions, were compelled to join the Roman Catholic Church and to become Polonized.

Sichinsky was sentenced to death. Thanks to the efforts of the Ukrainian deputies, the emperor pardoned him and commuted his death sentence to imprisonment for 20 years. Later, Sichinsky escaped and lives now in the United States.

The mental condition of that time may be shown by the following example: In December, 1908, the rumor was spread that the government had the intention of making a concession to the Ukrainians by making two Ukrainian assistant professors full professors. The Polish students showed their dissatisfaction by throwing rotten eggs at the Galician governor, Bobrzynski, an eminent Polish politician, at the occasion of his official visit at the university.

1910.—On July 1, 1910, there occurred another demonstration of the Ukrainian students who voiced their wish to see the foundation of the Ukrainian University.

The Polish students at the invitation of the president of the university got up a counterdemonstration. Revolver shots were fired. The Ukrainian student Adam Kotsko was killed. Others were wounded. The police surrounded the university and arrested all the Ukrainian students.

1911.—In consequence of this demonstration, a lawsuit was started against 101 Ukrainian students. This lawsuit lasted a few months. The Ukrainian students were sentenced.

1910–1914.—The Ukrainian deputies of the Galician Diet fight for universal suffrage. Every year at every session of the Diet, the Ukrainian deputies block proceedings in order to obstruct the sessions. The purpose of such obstructions is to compel the Polish deputies to accept universal suffrage. But the Ukrainian deputies are too few in number to obtain any result; and so they accepted a compromise in 1914 which compromise increases the number of Ukrainian deputies. The purpose of this compromise was to bring into the Diet a larger number of Ukrainian deputies who would begin anew the fight for universal suffrage with increased ardor and vigor as their chances of success would be increased.

The Poles Against the Ukrainians During the War 1914–1918.

The Poles of Galicia wished to take advantage of the World War in order to deal a death blow to the Ukrainian population. The Polish authorities declared the whole Ukrainian population traitors to Austria because they considered them Russophiles, and then began their persecution. At the command of these authorities, Ukrainian peasants, priests, and intellectuals were arrested wholesale and were sent to concentration camps where the majority found a frightful death as a result of epidemics. Many others, also arrested were brought before courts-martial at the denunciation of the

civil authorities. In these courts-martial sat many Polish officers. One military judge alone, the Polish lawyer Zagorski, has pronounced more than 200 death sentences against Ukrainian peasants and witnessed personally their hanging. The number of the victims of the Polish authorities amounts to several tens of thousands.

All the authority which the Austrian Government had given to the Poles was used by the latter for the purpose of exterminating the Ukrainian element by making them appear traitors to the cause of Austria.

When the Austrians had taken Galicia back from the Russians and wanted to restore the land that had been devastated by war, the Poles ruined the Ukrainians economically. The money allotted by the Austrian Government to repair the destruction was used by the Polish authorities in repairing merely the large Polish landed estates and Polish city industries. As for the Ukrainian peasants, they received nothing and had to seek refuge in cabins where typhus, the result of many privations, caused many victims. The Ukrainian manufacturers were not included in the distribution of the sums appropriated for restoration any more than artisans and merchants.

During the war, the Austrian Government issued the following orders according to which the land was to be cultivated: Local authorities were authorized to take any measure to compel farmers and farm laborers to devote themselves to work in the fields. The Polish authorities took advantage of these orders and obliged the Ukrainian peasants to cultivate the estates of the great Polish proprietors. Gendarmes gathered the peasant women (all men being at the front) carrying them off from their own fields and for the moderate wage of 1 to 3 crowns a day they compelled them to work in the fields of the large Polish landowners. This violence caused in the whole country revolts of the people which were repressed by arms and wholesale arrests.

In general the Polish yoke weighed during the war more heavily on the Ukrainians of East Galicia than ever. The Poles, to whom Austria-Hungary and Germany had promised East Galicia, treated the Ukrainian people like cattle intended for eternal slavery.

The Ukrainian-Polish War.

The proclamation of Ukrainian rule in East Galicia and the union of our republic with the Ukrainian Republic were acclaimed by the Ukrainian peasantry with the liveliest enthusiasm because this signified liberation from the Polish yoke. To the appeal of the Ukrainian Government, all, young and old, responded joyously, enrolling themselves in the Ukrainian army to free their natal soil from Polish invasion. Ukrainian soldiers from the Austrian army, who for some years had not seen their families, left directly, without first going home, the Russian front and the Italian front in order to participate in the struggle which should drive the Poles. out They passed an entire rigorous winter in the trenches, without clothing and shoes, repu sing the attacks of the Poles, often inflicting serious blows upon them.

For the Ukrainian peasantry, this was a war against the hereditary enemy.

The Poles speak much of the atrocities practiced by the Ukrainian soldiers. Against these accusations we must protest energetically; the Ukrainian army is perfectly disciplined and has waged war in conformity with international principles. The Ukrainian Government has seen to it that no excesses have been committed by the army.

If there was a single exception, we can only see in it the innate animosity of the Ukrainian people against the Polish element.

And even one such exception would pale into nothingness compared with the plan systematically employed against the Ukrainians upon their own territory by the Polish civil and military authorities. At Lviv, from the 22d of November, 1918,—that is, from the first day—all Ukrainian societies and organizations were at the mercy of Polish soldiery. Nothing has survived. I cite, for instance, those schools which were supported by the Ukrainian Pedagogic Society, which were so demolished that there now remain but the four walls, bare and dilapidated, with broken window panes.

To the misdeeds of the soldiery, there followed the tyrannical orders of the civil authorities. Upon order of the Polish Government, Ukrainian associations and organizations were closed with the exception of the banks. The publication of the newspapers was forbidden; then, a little later, they were authorized to appear only upon the condition that the Ukrainian text should be accompanied by the same text in Polish letters. The majority of the Ukrainian papers refused to submit to such humiliating restrictions and preferred to cease appearing. Soon but two papers were appearing of the Ukrainian Social-Democratic Party, which cherished the hope that the head of the Polish Republic, the Socialist Pilsudzki, would at last show some justice to Ukraine. Vain hope. These papers were suspended in their turn, their editors arested, and accused of gross crimes against the safety of the Polish State.

From time to time there occurred on the part of the Polish authorities a systematic hunt after prominent Ukrainians, with subsequent deportation to concentration camps. This terror was carried to such a degree that the Polish Commandant Rozwadowski actually invited by means of a special letter, accompanied by the most violent threats, the Metropolitan of the Ukrainians, A. Sheptytsky, to range himself, together with his clergy, on the side of the Polish oppressors.

In short, Ukrainian life stopped completely.

In the country it was still worse. The entire population was a prey to the excesses of the soldiers of Poland. Woe to the village that passes from the hands of the Ukrainians into the hands of the Poles. The cottages are in flames, the air is rent by the cries of the peasants beaten with scourges. Thus it is that insurgents against Polish authority are punished. Military conventions, the rights of the people are trodden under foot. To realize these scenes it is only necessary to read these lines appearing in a Polish newspaper: "Celuj zawsze w dom Popa lub przynajmniej Diaka," meaning "Train your guns especially upon the house of the Ukrainian priest, or at least upon that of his assistant."

Ukrainian soldiers falling into the hands of the Poles were no better treated: To be scourged until the blood came, often to be shot; such was their fate. Polish cripples, the halt and the lame, were armed and made to use their weapons. But when the Ukrainians in legitimate self-defense rendered blow for blow, Polish and foreign papers raised cries of horror.

The Poles were intriguing among the Ukrainians at the front against the Ukrainian Government. When it happened that their spies were discovered, that the guilty were punished in conformity with military law, the Poles railed against Ukrainian severity.

Up to the Polish offensive of May, their atrocities had affected only an inconsiderable part of the Ukrainian population. Now it is the whole land which is suffering; institutions, clubs, schools, churches, everything is closed and dissolved by superior orders of the occupants. Ukrainian peasants are imprisoned en masse, even shot; the educated classes, the priests are imprisoned, interned in concentration camps or shot.

Such then is the reality of the idyll of which the Poles have the audacity to discourse at Paris.

CONCLUSIONS.

We have thus seen that the Ukrainian-Polish relations have become more and more strained, until the moment when the Ukrainian-Polish War resulted therefrom.

This development of Ukrainian-Polish relations is thoroughly justified by history. Galicia having been conquered six centuries before by Poland, the latter has always tried and is still trying to create of it an organically Polish country.

On the other hand, during the entire duration of Polish domination the Ukrainian nation has sought to recover its independence.

Such relations must necessarily envenom the struggle between these two nations until such moment as the Poles shall have suppressed the Ukrainian element, or the latter shall have receovered its independence.

In short, during the whole period of Polish domination in Galicia, the Ukrainian nation has shown by its conduct that it absolutely refused to remain under any form of Polish sovereignty whatsoever, and that this sovereignty could be established only upon the corpse of the entire Ukrainian people.

Such is the nature of the first truth. The second—this is that the Ukrainian people of East Galicia, have manifested their firm and unshakable determination to lead an independent life in the Ukrainian Republic, one and sovereign, at first by founding its own State upon the ruins of the Austro-Hungarian Empire and, later, uniting its State to the Ukrainian Republic through the unanimous vote of the National Council (Parliament of West Ukraine), on the 3d of January, 1919, and through the solemn proclamation at Kiev, on the 22d of January, 1919.

To solve the question of East Galicia in conformity with the principle of the self-determination of nations, we must not lose sight of these two essential truths.

The Ukrainian people of East Galicia have shown their wish. Poland by declaring war on West Ukraine has violated the will of the Ukrainian nation.

The commission for the Ukrainian-Polish armistice had declared that the party which contrary to the will of the peace conference should continue to fight, would assume a great responsibility.

Poland has not obeyed the injunctions of the commission, has not accepted the project of the armistice, and has occupied by force of arms almost the whole of East Galicia.

Therefore Poland assumes the responsibility referred to by the armistice commission.

Justice indicates but one way to adjust the question of East Galicia: Put an end to Polish occupation, return to the Ukrainians the administration of their own country,

give the Ukrainian people the possibility of disposing of themselves—that is, the possibility of becoming a part of the Ukrainian Republic.

Any other solution of the question, and, in particular, dependence upon Poland under any form whatsoever, would force the Ukrainian people to fight to the last drop of blood for the integrity and the independence of the Ukrainian Republic.

The Ukrainian Republic, which at the beginning of its existence framed a law furnishing guaranties for national minorities, will be able to assure conditions for national development to the minorities of East Galicia.

But the Ukrainian nation can never consent to the subjugation of East Galicia by Poland merely to safeguard the interests of the Polish national minority.

COPY.

AUGUST 7, 1919.

MR. J. G. BAILEY,
Russian Division, State Department, Washington, D. C.

MY DEAR SIR: I wish to call to your attention the unrest created among the residents of this country of Ukrainian parentage by press reports from Paris indicating that the section of Eastern Galicia inhabited by Ukrainians is to be incorporated in Poland.

A dispatch from Dr. Dillon in the Philadelphia Public Ledger stated that the American delegation at Paris favored such action. An Associated Press dispatch in the Washington Star further asserted that the conference commission on Polish affairs will recommend to the supreme council that Ukrainian Galicia be put under the dominion of Poland. An arrangement of this character would violate the right and the claim of the Ukrainian people to self-government. It would perpetuate the elements of instability in eastern Europe and, I fear, nullify the hope of the world for permanent peace.

But I desire now chiefly to report the harm already done in this country by the spreading of the reports cited. During the war and subsequent to the armistice more than 400 mass meetings and parades have been held in this country by the half million Ukrainians resident in the industrial States. The purpose of all these has been to inform the American people of the situation of the Ukraine, which on every consideration of ethnography, history, religion, and economics are entitled to self-rule.

I need not, I am sure, recall to you the statements of President Wilson and of Secretary of State Lansing, made during 1918, which recognized the justice of the Ukrainian claim to independence. No more is it necessary to revert to the fact that a recognition of Ukraine's integrity as a nation was implicit in the terms of the armistice.

It is important, however, that I, as the president of the Ukrainian Federation of the United States, should record the dangerous feeling of despair which would be engendered among all Ukrainians if the future of their motherland were to be sacrificed to Polish imperialism. At this state of the world, it is surely imperative that the natural desire of a people such as the Ukrainians who have been so much of a bulwark of civilization both against German imperialism and Russian Bolshevism be not frustrated. I can conceive of no action which would more effectually poison the springs of true democracy and transform a right love of independence into that despair which breeds Bolshevism.

In Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, New Hampshire, Rhode Island, Ohio, Michigan, Illinois and elsewhere in industrial America mass meetings have been held to protest against the sacrifice of the Ukraine to Polish aggrandizement. Ukrainians know too well the horrors of Austro-Hungraian imperialism to find reassurance in its substitution by a Polish hogonomy over the liberty-loving peoples of Eastern Europe. The memory of ancient Polish Empire which held sway over the Ukraine and Lithuania in no less brutal fashion than did the Hapsburgs and Hohenzollerns after a partition of Poland in 1772 still rankles. How deeply and securely rooted is this feeling may be judged from the fact that many Polish historians attribute Poland's downfall to the unscrupulous religious, national and social oppression of the Ukrainian, freeholders and peasants, by the Polish aristocracy.

A brief while ago even Premier Paderewski acknowledged and supported the validity of the demands of the Ukrainian people. Following the mass meeting of the oppressed nationalities of central Europe held in Carnegie Hall, September 15, 1918, Mr. Paderewski presented the resolution of the meeting to President Wilson. In part the resolution was as follows:

"*Resolved*, That since the majority of the inhabitants of Austria-Hungary, to wit: Poles, Czecho-Slovaks, Ukrainians, Roumanians, Jugo-Slavs and Italians, have been unjustly and cruelly governed by a ruling minority of Germans and Magyars, we demand the dissolution of the present empire and the organization of its freed peoples according to their own will."

A year has not passed and yet Mr. Roman Dmowski, Premier Paderewski's representative at Paris, is demanding not the organization of the freed peoples of Austria-Hungary according to their own will, but the organization of a new Polish empire on a purely Prussian pattern. He talks of annexation by forceful conquest, of economic necessity, of the superiority of Polish culture, of the Polish mission in Eastern Europe. The old German will to conquer, translated into Polish terms, is intriguing for the reestablishment of a Polish empire, incorporating within its boundaries recalcitrant millions of people of other nationalities.

The peace of the world can not be reared on that foundation. A poor peace will it be which would shift Alsace-Lorraine from Western to Eastern Europe. President Wilson expressly stated that Poland should be constituted of undoubtedly and genuinely Polish territories. The peace conference months ago insisted that the Polish attempt to subdue by force of arms Ukrainian Galicia be stopped and yet the unchallenged word goes forth that now Ukrainians are to be delivered to the Government of Poland.

It avails nothing that Poland talks of autonomy for Ukrainian Galicia. All groups in the Ukraine from the conservative Catholics to the radical Socialist would reject Ukrainian autonomy under Polish suzerainty as decisely as the French citizens of Alsace would have spurned Alsatian self-government under Hohenzollern tutelage. The self-government of a free republic, not the dependence of province alien in language, literature, customs, religion, economics, ideals, is the aspiration of the Ukrainian people.

It is not to be wondered that in the United States and in Canada, wherever men of Ukrainian descent have access to the bar of unfettered opinion, appeals are being made that the Ukraine be freed and that the tragedies of the past be not repeated. Poland will gain nothing of permanent value from a conquest of the Ukrainians. The safety of the world will be no whit strengthened. The solidarity of the United States which has been built upon the contentment of self-governing people will not be fortified. The subjection of the Ukraine will be a perpetual source of trouble, for as America could not remain half slave and half free so eastern Europe will harvest distress and unrest while imperialism endeavors to enslave millions of freemen.

Yours, very respectfully,

MIROSLAV SICHINSKY.
President, Ukrainian Federation of United States.

THE IMPERIAL ACADEMY OF SCIENCES OF PETROGRAD, ON THE UKRAINIAN LITERATURE AND LANGUAGE.[1]

THE CONSTITUENTS OF THE COMMITTEE THAT PREPARED THE REPORT.

"The Committee on the Abolition of the Restrictions of the Ukrainian Language, presided by the Academician F. E. Korsh, and composed of the Academicians V. V. Zalensky, A. S. Lappo Danilevsky, S. F. Oldenburg, A. S. Famintsin, Ph. F. Fortunatov, and O. O. Shakhmatov,[2] after a thorough examination of the question proposed by the Council of the Ministers, arrived at the conclusions herewith submitted to the general session."

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[1] The Imperial Academy of Sciences on the Repeal of the Restrictions of the Little Russian Printed Literature. St. Petersburg, 1905. Printed by the order of the Imperial Academy of Sciences, March, 1915.

[2] Fiodor E. Korsh (1843-1915), renowned Russian linguist, professor of Roman language first at the University of Odessa, later at the University of Moscow; ordinary member of the Russian Academy; author of many linguistic and philologic works. "He possesses a prominent erudition not only in his specialty but also in the history of European literatures and the philology of Indo-European and Asiatic dialects." (The Russian Encyclopaedic Dictionary of F. A. Brockhaus and I. A. Efron.)

Vladimir V. Zalensky (1846–), professor of natural science at the University of Odessa, since 1893 an ordinary member of the Imperial Academy.

Alexander S. Lappo Danilevsky, famous Russian historian, professor of Russian history at the University of Petrograd, since 1894 an ordinary member of the academy.

Sergey F. V. Oldenburg, authority on the history and literature of Asiatic people, permanent secretary of the academy; member of the committee on the compilation of ethnographic map of Russia, of the Imperial Russian Geographic Society; the correspondent member of the Liverpool University School of Russian Studies.

Andrey S. Famintsin (1861–), professor of botanies first at the Medical Academy of Petrograd, then at the University of Petrograd, since 1891 an ordinary member of the academy. "He is not only the greatest botanist-physiologist of Russia, but also the teacher of a whole generation of physiologists." The Russian Encyclopaedic Dictionary of Brockhaus and Efron.)

Philip F. Fortunatov, prominent Russian philologian, since 1875 professor of Indo-European philology at the University of Moscow, in 1884 for his scientific works nominated by the Universities of Moscow and Kiev "honoris causa doctor of comparative philology."

Alexsey A. Shakhmatov (1864–), since 1890 professor of philology at the University of Moscow, 1894 nominated by the same university "doctor of Russian language and literature," since 1894 member of the Academy, later elected president of the division of Russian language and literature of the academy and chief librarian of the same division. "By the depth of his knowledge, originality and independence of his opinions, and the copiousness of the scientific works of first rate, Shakhmatov, at present occupies one of the most prominent places among our specialists on the history of the Russia and Slavic languages." (The Russian Encyclopaedic Dictionary of Brockhaus and Efron.)

With the exception of V. V. Zalensky, all the above mentioned scholars are great Russians.

HAVE THEY THE RIGHT TO SPEAK ABOUT A "PAN-RUSSIAN" LANGUAGE?

There is no doubt that the ancestors of the Great Russians and the Ukrainians had spoken one language in the time of yore; this language, which has not survived to our times in written monuments, and which was reconstructed only hypothetically, is generally called in science the "Pan-Russian" language. But of course, this is not the language which those who contrast Ukrainian with "Pan-Russian" have in view. As early as the prehistoric epoch, the "Pan-Russian" language exhibited in its individual branches such pronounced dialectic peculiarities as to furnish a foundation for a hypothesis that the Russian race, from time immemorial, has been divided into three groups: North Russian, Middle Russian, and South Russian. The South Russian monuments of our old literature of the eleventh and twelfth centuries, as it was proved for the first time by our fellow member, the academician, A. A. Sobolevsky, display a series of typical peculiarities of the Ukrainian language; from them one can surely convince oneself of the considerable remoteness of the South Russian (Little Russian) dialects from the Middle Russian as well as from the North Russian dialects in the very period preceding the Tartar invasion. This remoteness could not be remedied by the political union of the Russian tribes in the tenth and eleventh centuries; on the contrary, the breaking up of the Russian lands into independent principalities, the growth of a new political center in the basin of the Oka River, the tributary of the Upper Volga, the downfall of Kiev in the second half of the thirteenth century—all these served considerably the Southeastern Russia, and the Tartar invasion completed the separation. Later, within the Russo-Lithunian Empire, the South Russian tribes found the basis for a closer connection with other Russian tribes, namely, that western branch of the Middle Russian tribes which grew to be the foundation of the White Russian nationality. On the other hand, the eastern branch of the Middle Russians, united by the Muscovites with the North Russians, became a part of the Great Russian nationality. Only the more recent colonization of the seventeenth and eighteenth centuries brought more closely the Great Russians and the Ukrainians in the basins of the Seym, Donets, and Don Rivers. Thus the historic development contributed towards the creation of two nationalities: The Great Russian and the Ukrainian. The historic life of the two nationalities failed to develop a common language; quite the contrary, the very life strengthened those dialectic varieties with which endowed the ancestors of the Ukrainians, on the one hand, and the ancestors of the Great Russian, on the other hand, made their appearance at the beginning of our history. And, of course, the living Great Russian idiom, as it is spoken by the people of Moscow, Riezen, Archangel, Novgorod, can not be called "Pan-Russian" language as apposed to the Ukrainian of "Poltava, Kiev, of Lviv (Lemberg)."

"But do we possess perhaps, some ground to consider our (Great Russian) language as the Pan-Russian language? Was it, perhaps, created by the common efforts of all the Russian nationalities? Has it reflected perhaps, itself, the varieties of all the Russian dialects? According to the views so often repeated by some publicists, the Ukrainians have played an important part in creating and elaborating our literary language. To prove this, it is deemed sufficient to mention the influence of the Ukrainian writers and scientists in the seventeenth and eighteenth centuries, first upon the Muscovite enlightenment, then also upon the reforms of the star Peter the Great. To be sure, this influence reflected itself also in our literature, but it was of a merely passing character; the efforts of our great writers were bringing our written language more and more closely to the vernacular, and so far nothing has stopped this current, which made our literary language fully Great Russian in its character as early as the end of the eighteenth and the beginning of the nineteenth centuries, when it became emancipated, among other things, also from the Ukrainian accent, which, according to Prof. Budda, was not foreign to the language of Lomonosov and Sumarkov. The Great Russian literary language, which in its origins constituted a gaudy mixture of church-Slavonic elements (in lexical and partly also in grammatical respect) with the vernacular of the Great Russian tribes, was receiving since the old period, it can be said, since the sixteenth century, a more and more popular tinge. Its development in this direction was stopped twice; the first time, in the fourteenth century, when it had to struggle against other Slavic elements, which, due to Serbian and Bulgarian scientists, had come from the South Slavic countries; the second time, in the seventeenth century, when it was permeated with the peculiarities of the Ukrainian literary language. Both times, however, the Great Russian element came out victorious, and for this reason our literary language, the language of our educated class and the language of our literature of all kinds, should be considered fully Great Russian language. We can see no basis to call this language Pan-Russian, since it constitutes no amalgam, in which could reflect themselves, however unequally it may be, the peculiarities of all living Russian idioms."

HOW THE UKRAINIAN VERNACULAR BECAME A LITERARY LANGUAGE.

"Our Great Russian language attained a Pan-Russian significance. To a considerable extent this was due to the fact that by virtue of circumstances it became a state language; but that is mostly to be accounted for by the cultural growth of the Great Russian nationality, by the development of its literature and its school education. Peter's the Great reforms, that brought Russia and the West into a closer connection, strengthened the educational significance of the Great Russian centers, Moscow and Petrograd, and brought into the channels of a common life Great and Little Russia. The latter had nothing to place against this secular education, which, thanks to the movement inaugurated by Peter, spread in a broad stream all over the country united by the Muscovite tsars. Because of this the Great Russian language penetrated to the south, into Ukraine on both sides of the Dnieper. The Ukrainian written language had developed in the course of the sixteenth and seventeenth centuries on the basis of two literary languages; the church-Slavonic and the West Russian, the latter of which was saturated with Polish elements; it has assimilated itself to the vernacular in a considerably smaller degree than did the Great Russian literary language, and this, more than anything else, explains the fate it met with in the second half of the eighteenth century; it was gradually forgotten and without a struggle gave place to the Great Russian literary language.

"In this way the growth of culture and education culminated in a natural displacing of the written Ukrainian language by the Great Russian language. But this growth called to life factors which in the previous epoch had hardly found any lawful expression. The Great Russian becomes enthusiastic for the secular education so much that he can not any more be satisfied with what his ancestors had conceived from the ecclesiastical education, which left unanswered a considerable part of the needs of a thoughtful and sensitive being, that he can not be satisfied with the use of the bookish church language, remote from native tongue. With the appearance of secular education, the literature, without ceasing to satisfy religious wants and material interests, reveals for the Great Russian a possibility to express his thoughts and feelings in new forms, different from those used by his ancestors. And this finds its expression, before all, in the growing assimilation of the written language to the language of every day's feelings and thoughts. We see how quick was the Great Russian literary language to free itself, thanks to the secular education, from the foreign elements, foreign accents, and unusual words. In Ukraine, where the written language was already forgotten and neglected, the very same secular education had to produce another though similar phenomenon, the living vernacular idiom becomes the literary language. The thoughts and feelings of the Ukrainian force themselves irresistibly upon the paper, there is no other way out for him left than to express them in the common idiom of his own, because the Great Russian language, foreign to him, can not become a guide to the native tongue, can not and by its nature should not be assimilated with or approximated to it. Peter the Great's reforms have led Russia upon the road of secular education. As a result of that, on the one side, the Great Russian written language assimilated itself to the vernacular of the Great Russian. On the other hand, the vernacular of the Ukrainians became the vernacular of the new Ukrainian literature. Not to admit the legitimacy and naturalness of such a result would mean to admit that secular education left the Ukrainians untouched; it would mean that in the north, in Moscow and Petrograd, secular education should bring into closer similarity the vernacular and literary language, with the predominance of the former, while in the south, in Kiev, the same secular education should only exchange the old literary language for a new one, still more dissimilar from the vernacular, still more foreign.

"The publicists who deny the Ukrainian literary language to right to exist are prone to refer to White Russia; they frightened the Russian Government and the Russian public with the prospective of the demand of freedom for the White Russian written language. What the future has in store we do not know; the past, however, testifies clearly that the White Russian educated class became Polonized while the Great Russian and the Ukrainian kept in sacred veneration their respective literary language. The White Russian educated class experienced no desire, nor did they possess any basis, to return to the vernacular, while the Ukrainian did it out of sheer necessity."

THE LEGITIMACY AND NATURALNESS OF THE DEVELOPMENT OF THE UKRAINIAN LITERARY LANGUAGE.

"The legitimacy and naturalness of the origin of the Ukrainian literary language explains also the legitimacy of its whole further development. Its sources, as we have seen, was the living colloquial language of the Ukrainian educated class, that

grew up amidst circumstances altogether different from those amidst which grew the Great Russian educated class. Not only in the eighteenth, but also later, in the nineteenth century, the former absorbed the Polish culture, which neither Moscow nor Petrograd was able to suppress, in spite of the very strong influence of the Great Russian culture, supported by common religion and common State interests. Thus in that colloquial language of the Ukrainian educated class, which became the literary language at the beginning of the nineteenth century, there made their appearance, in the form of assimilated foreign elements, on the one hand, Polish, on the other, Great Russian words and phrases. In the future, too, both named literary languages, the Polish and the Great Russian, should serve a source of enrichment of the Ukrainian literary language. To turn to these sources is only too natural a course; which of the two will get the upper hand will depend upon the question which of them will succeed in attaching to itself the Ukrainian literature with close, brotherly ties. It seemed that the influence of the Great Russian language upon the Ukrainian was fully insured under those circumstances under which the new literature grew; to write Ukrainian began men who knew perfectly the Great Russian language, the Ukrainian books were published in the centers of the Great Russian learning, the literary works of the Ukrainians are printed in the Great Russian magazines and periodicals. The repressive measure of the censorship of 1863 and 1866, however, have transferred the literary activities of the Ukrainians to that part of the nationality that lies beyond the frontiers of Russia. There it developed under a strong influence of the Polish elements in the lexical and syntactic parts. Objections are being raised against the Ukrainian language of the Galician literature because of this foreign, non-Ukrainian tinge it had received in Lviv. But the Polish elements have only taken place of these Great Russian elements displacing of which would be a matter of course if the Ukrainian literature were given in Ukraine a chance of wide and free development.

"The enrichment with foreign linguistic elements—this is the common lot of all literary languages; the west European elements in our own Great Russian language prove that even very highly developed literary languages are not insured against foreign influence. Absolutely inevitable becomes the influence of neighboring language when these languages belong to akin races; thus the Polish literary language exhibits the influence of the Bohemian, and the Polish purists carry on a useless and difficult struggle against the Great Russian influence; thus the Slovenian language has become permeated with Serbo-Croatian elements; thus the Bulgarian language is thoroughly overwhelmed with Great Russian elements. In the same manner it was not possible for the Ukrainain language to escape the Great Russian or Polish influences. The understanding to utilize foreign linguistic elements, absence of all apprehensions of them, a bold handling of the new lexical material very often testify to the power and resisting force of the new literary language, which irresistably aspires to a great and greater range in the domain of the expression of human thoughts and sentiments.".

IS THE UKRAINIAN LITERATURE NECESSARY?

"Many Great Russian publicists questioned whether the Ukrainian literature is altogether necessary. Others wanted to limit its domain within certain prescribed boundaries; they admitted its natural life; they considered it proper to collect popular songs and fables: finally, the Ukrainian language was granted even the whole domain of fiction. But to pass beyond these boundaries, it was forbidden; and such restrictions were considered by the publicists who followed the government's regulation to be necessary in the interest of the Great Russian literature. The answer to that hollow after all question whether the Ukrainian literature is altogether necessary gave the life itself; we saw a broad development of this literature even during the period of the sixties, that is at the time when the reforms of the tsar Alexander II had revived the Great Russian nationality to new forms of life, and we discovered, that the creature of that literature were men of various social classes, of various opinions, and of various education. The Ukrainian literature evidently has satisfied, by its appearance, matured needs, and its origin was influenced neither by a political intrigue nor an unsound tendency. Let the facts answer this question that arises in our country as a result of the constant assertions of some publicists: is it really possible to limit, in one way or another, the extent to which a literary language should be used? * * * Is it possible to stop a germinated thought, a thought animated, moreover, by the native tongue? What is there to stop it at popular jokes and verses, what is there to prevent it from incarnating itself in new forms of poetry, from permeating the romance and scientific research, from finding its way to the past of its own people, from taking care for the people's future, and passing finally into the domain of religion and focussing itself on the translation of the Holy Scripture and the production of books for moral and

spiritual reading? No. The creative thought can not be arrested by artificial obstacles. Such artificial obstacles are only to impress upon it an unnatural and tendential development."

COULD THE UKRAINIAN USE THE GREAT RUSSIAN LITERARY LANGUAGE AS THE IDIOM OF THEIR LITERATURE?

"It should be pointed out with special stress that it is difficult for an Ukrainian to understand Great Russian books dealing even with most elementary subjects because of the fact that the Ukrainian language, like any other language, has a peculiar but characteristic way of designating the objects of every day use in a way different from that of Great Russian; words like * * * and other words are either entirely unintelligible or very little intelligible for an Ukrainian. The most eloquent example of this constitute the difficulties experienced even by educated Ukrainians who know perfectly our literary language; about these difficulties have spoken many scholars beginning with the thirties and sixties of the past century. And for this reason, there is no wonder that the Ukrainians have so gladly turned to their native tongue whenever they wanted to express, in a written language, their thoughts and sentiments."

The Provinces to the east of Poland proper which belonged to the Kingdom of Poland but where the bulk of the population is of nonPolish origin and speaks either Lithuanian or White or Little Russian.

On this territory, only a small part of which (Eastern Galicia) belongs to Austria, while the chief portion (the so-called North—and Southwestern Provinces) is in the possession of Russia, and which represents an area of about 200,000 square miles with 30,000,000 inhabitants, the Poles form only a more or less considerable minority—25 per cent in Eastern Galicia, and a very small percentage in the easternmost districts belonging to Russia—but there are no reliable statistics concerning nationalities. This vast stretch of territory, whose inhabitants are non-Polish by race, is nevertheless to a certain degree a country with a Polish civilization. By R. Dmowski. Quotation from a lecture "Poland Old and New," delivered at the University of Cambridge in the fall of 1916 and collected in the volume issued by the Cambridge University members under the title of "Russian Realties and Problems."

UKRAINE'S RECENT STRUGGLE FOR INDEPENDENCE.

Submitted by EMIL REVYUK.

At the beginning of the World War the Ukrainian territory was divided between two empires—a smaller part, with some 4,500,000 Ukrainians, was ruled by Austria-Hungary, 4,000,000 in the Provinces of Galicia and Bukovina, some 500,000 in the Kingdom of Hungary; the larger part, with about 32,000,000 Ukrainians, was ruled by Russia.

Under each of these dominions the Ukrainians suffered persecution and oppression. In Hungary, the Magyars tried to Magyarize them; in Russia, the Russian Tsars made all efforts to Russify them: in Galicia, they were delivered under the domination of the Austrian Poles, who tried to Polonize them.

All these efforts at the denationalization of the Ukrainians were futile. Not only did the Ukrainians preserve their national character, but, moreover, their culture, through its originality, antiquity, homogeneous character and poetic conception of life, proved a great temptation to all neighbors of Ukraine: so that their common people in large numbers adopted Ukrainian culture and with it imbued themselves with Ukrainian national feeling. The Ukrainians of Hungary, known as Uhro-Rusins, never became Magyars, though deprived of all opportunity for cultural development. The Ukrainians of Eastern Galicia, in spite of the oppressive rule of the Polish nobility, built up a system of private primary and secondary schools, covered the whole of Eastern Galicia with a network of various economic cooperative associations renowned for their efficiency and the integrity of their officers, organized strong political parties inspiring admiration even among the enemy. The Ukrainians of Russia, since 1876 deprived of the free use of their native tongue in public life, schools and literature, preserved through their cooperative societies, their national entity and the sentiment of racial distinction from Great Russia.

After the Russian revolution of March, 1917, had overthrown the Tsars, the Ukrainians set up an autonomous government to rule Ukraine on the basis of federal union with Great Russia. The unwillingness of Kerensky's government to grant any rights to Ukrainian people, emanating from the Centralist tendencies of the liberal circles of Great Russia, antagonized the Ukrainian people toward these circles and rendered

the union of Ukraine with Russia more nominal than actual. When Bolshevist communists came into power in Moscow, Ukraine broke off all political connection with the central government of Russia and proclaimed herself a free, independent, and sovereign nation. The young nation immediately found herself in a critical condition, as she was threatened by the forces of anarchy in the east and the Teutonic militarists in the west. Similar to Roumania, the Ukrainian Government, the Ukrainian Central Rada, tried to emerge from this dilemma by making peace with Germany and Austria. The people of Ukraine never accepted this farce of a treaty and rose in one rebellion when the Germans began to requisition food and cattle. When the Germans realized that they could not make of the Central Rada an obedient tool, they overthrew this government and set up a new government headed by Gen. Skoropadsky, a Ukrainian by birth, but thoroughly Russified. This coup d'etat still more embittered the Ukrainian people against the Germans. The Ukrainian peasantry rose en masse. There were peasant armies numbering hundreds of thousands, and as a result of these uprisings 60,000 Germans were killed in Ukraine. More than 1,000,000 German soldiers had to stay in Ukraine at the time when Germany needed them most in the west.

All Ukrainian parties combined to struggle against the Germans with every means at their disposal. This revolutionary body, composed of representatives of all these parties, as well as delegates of the Ukrainian cooperative associations, was called the Ukrainian National Union. The guerrilla conducted by it went on until Gen. Skoropadsky and the Germans were driven from Ukraine.

In November, 1918, the Ukrainian National Union set up a new government, the so-called "Directorate," headed by the leader of the peasant armies, Gen. Petlurt, and composed of representatives from all Ukrainian parties. The new governmena which has undergone hardly any change in its personnel since that time, has for its main object the preservation of the union of all Ukrainian territory and the safeguarding of Ukrainian independence. In January, 1919, the General Ukrainian Convention was held at Kiev and approved the policies of the Directorate.

The government had to stand the most trying circumstances, fighting on all sides. The hardest struggle of all was that against the Russian Bolshevists. In the opinion of the Bolshevik government, the organization of the Ukrainian Directorate as the supreme executive of the Ukrainian Republic was a classical manifestation of the national spirit as opposed to the principle of international class struggle. Although the Russian Bolshevist government proclaimed the principle of self-determination of nationalities, it allowed this self-determination only so far as it proceeded along the lines of Bolshevist experiments. The Bolshevist government of Russia, in spite of its international phraseology, was totally Great Russian in the meaning that nationalities composing Russia should be ruled by the Great Russian element. As such it appealed to Russian chauvinistic elements scattered in Ukraine, who never failed to manifest their preference of Russian Bolshevist rule to demorcatic Ukrainian government. The Ukrainians in organizing their government have rejected the Soviet formula and retained the democratic basis of the representative government, and this was another reason why the Bolshevist government of Russia considered them enemies. At the bottom of war between Great Russia and Ukraine, however, was the misery of the Russian masses due to Bolshevist experiments, resulting in disorganization of public life and disintegration of industries.

In Ukraine's struggle for her independence carried against the Bolshevists the Ukrainian Government was hampered by the lack of war materials, due to the refusal of the allied powers to give Ukraine any kind of recognition. This was the cause of the reverses suffered by the Ukrainian armies during the first half of the year 1918.

Another cause was that the Ukrainians had to fight at the same time on two more fronts—against the Roumanians in the southwest and the Poles in the west. The Roumanians occupied the northwestern part of Bukovina, populated by a compact mass of Ukrainians. In like manner the Poles, against the will of the population, occupied Eastern Galicia. This was done with the full sanction of the peace conference at Paris, which authorized the Poles to occupy the predominatingly Ukrainian country east of the River San for the alleged purpose of fighting Bolshevist bands. As a matter of fact, however, the Ukrainian part of Galicia was perhaps the only country in Europe which possessed no Bolshevist movement to speak of, and Eastern Galicia has rendered a service for democracy and civilization in preventing the union of Russian and Hungarian Bolshevist forces. The occupation of eastern Galicia by the Poles was in the interest of a disappearingly small Polish minority, some 11 per cent in all, composed of landlords and officials of the former Austrian monarchy, who were anxious to continue their political ascendancy over 75 per cent of Ukranians and 12 per cent of Jews. The Ukrainians of Austria organized during the Austrian collapse a separate government of their own and decided to unite with the remainder

of Ukraine. The Polish occupation, carried on with most outrageous practices, still more antagonized the two races and made a thorough separation of Ukrainian and Polish territories a necessary prerequisite of lasting peace in this part of Europe.

Though unassisted in any way by the foreign powers and fighting on so many fronts against the enemies of Ukraine self-determination, the Directorate stood the test of stability. The government not only rejected the peace advances of the Bolshevist government of Russia, but struggled successfully against them and forced them to evacuate the whole territory west of the Dnieper River.

Kolchak's government has never enjoyed great popularity in Ukraine. Neither the admiral standing at the head of this government nor his nearest advisers and ministers have ever been known to take part in the emancipatory movements of the Russian people. Some of them are known as reactionaries. The suspicion was only strengthened by the manner in which this government came to power. Whatever social and political reforms might have been promised by the representatives of this government, the oppressed nationalities of Russia failed to find there any promise of their free and unhampered development. If self-determination of the nationalities of the former Russian Empire were in the program of Kolchak's government, he would have undoubtedly declared so in unmistakable terms—so the nationalities reason. His failure to do so has produced among the Ukrainians as well as among the Lithuanians, Latvonians, and other nationalities of former Russia, an impression that the policies of Kolchak's government, at least in reference to these nationalities, are the same as those of the former Tsar government; namely, the policy of racial ascendancy of the Great Russian element toward all non-Russian people of the vast empire. Such policy, they understand, could not be carried out without a strong centralized government which would sacrifice the free development of non-Russians to the interest of the ruling nationality. Such conditions would, out of necessity, produce strong irredentist movements along the frontiers of the nation and would necessitate the maintenance of a large army to keep the non-Russian nationalities in check. This would subordinate even the interests of Great Russia herself to the interests of a small disciplined group with militaristic and monarchistic tendencies and might lead Russia into alliance with other nations ruled by similar tendencies. The whole zone along the border of the former Russian Empire would become one boiling pot of national unrest and turmoil. Russia would become new Balkans, differing from the latter only by its size. In the opinion of the nationalities of the former Russian Empire, the fate of these nationalities should be decided in accordance with the wish of the population. The struggle of the peoples of Ukraine, Finland, Esthonia, Lithuania, Latvonia, against Bolshevist efforts to decide the destinies of these nationalities without consulting them, shows clearly and unmistakably what other Russian groups have to expect if they follow Bolshevist examples. Any attempt to dispose of the fate of the nationalities of the former Russian Empire without opportunity having been given them to declare their free and unrestricted will shall meet with opposition from the vast masses of the population.

Should Eastern Europe enjoy permanent peace, should stable commercial relations be established with the industrially advanced countries of the world, the nationalities of the Russian Empire must be granted the right of self-determination and be allowed to organize their government according to the undistorted will of the masses.

The Russian Empire such as it existed under the Tsar's régime, Russia with oppression of the various nationalities composing the nation, is dead in the opinion of these nationalities firmly resolved that the old conditions should not be allowed to return. To reconstruct the old Russian Empire would be synonomous in the opinion of the nationalities with the reconstruction of the former Austrian-Hungarian monarchy or the late German Empire, which too were based upon the policy of racial ascendency of one nationality or one group of nationalities over the nationalities situated along the border. The nationalities of the former Russian Empire expect that no democratic country in the world will adopt such policy and still less do they expect such policy will be incorporated into the treaties made by the countries which wrote the principle of self-determination of nationalities in their program when they went into the war against Austria and Germany. They can not possibly expect that the allied and associated powers, having broken Austria, Hungary, and Germany, will reconstruct a new Austria or a new Germany in the east of Europe.

The people of Ukraine, from the River San in the west to the River Don in the east and from the River Pripet in the north to the Black Sea in the south, are resolved to become one and undivided, free, and sovereign nation. They have struggled for this ideal; they have sacrificed their lives for it; and they now appeal to the democratic powers of the world to give them recognition. They hope that this country will be the first to extend her hand and that the Senate of the United States will do all in its power to aid in securing the recognition of Ukraine.

STATEMENT OF MR. DUDLEY FIELD MALONE.

Mr. MALONE. Senator Lodge and gentlemen of the committee, I am very grateful to you. I have an imperative court engagement on Tuesday and can not return.

I came here, sir, to-day not as counsel in any technical or legal sense to speak for the people of India. I come as an American citizen; I come, however, as their chosen representative, largely because it has been decreed, I understand, by this committee that only American citizens are to come here as representatives.

The CHAIRMAN. That is in conformity with the Senate rule.

Mr. MALONE. Otherwise, I should ask you to hear the most distinguished citizen of India in this country, Mr. Raspat Rai, who is here to-day. So if my discussion of Indian affairs is inadequate, it is due to the fact that I have only the casual understanding that an American citizen could have of affairs in India.

However, I speak to-day for a people who represent one-fifth of the population of the world, who are 350,000,000 in population, and who have a territory about two-thirds the size of the United States. And there is no question of political expediency, of advantage to America, and at the present time surely no question of commercial advantage to America. So that the plea that I make is based upon the humanitarian purpose for which we are supposed to have gone into the war, and the humanitarian purpose which is alleged to be the purpose of the covenant of the league of nations, and I do respectfully submit that if the covenant in its present form is passed it may break the hearts of the world. The hearts of 350,000,000 people in India and millions in Ireland and millions in Egypt will be broken if it is passed in its present form, and we come here with a specific request and that specific request is this, that this distinguished committee so amend the league of nations as to make it obligatory on every signatory to the covenant and to that treaty to provide democratic institutions for the people who live under the government of any signatory. Ireland, Egypt and India are very much in the same position with relation to Great Britain in these circumstances, and yet, though as a man of Irish origin I regret to say it, India has a strategic position superior to that of Ireland in this respect, that England asked—and the request was granted—that India should be permitted to sign the treaty; and England designated Mr. Montagu and an Indian citizen to act as signatories for India. Therefore, India is one of the nations whose signature is on the treaty. Therefore, India is in a better position, strategically, than Ireland or Egypt, who do not appear on the treaty.

Now I have no illusion about England wishing to grant any democratic advantage to India in giving her this distinction. I am persuaded that England merely wanted to get one of her six votes down on a document, and India provided one of the six. I can not speak for England for many reasons, but I believe that she wished to get the vote and she did not ask India to choose the representatives to sign the document. The Government of India is only the agent of the Government of England. In the Montagu-Chelmsford report, issued by the authority of the British Parliment in 1918, it is specifically admitted that the Government of India by England is an absolute despotism. The chief body which actually represents the people of

India is the Indian National Congress, which of course under the circumstances is unofficial. It met, however, very completely and very fully but unofficially last December after England had appointed two representatives, and passed the following resolution [reading]:

That this congress urges that in justice to India it should be represented by an elected representative or representatives, to the same extent as the self-governing dominions, at any conferences that may be held to deliberate or settle the terms of peace or reconstruction.

Pursuant to that resolution, the congress appointed three men to represent the people of India at the peace conference. One of them applied for passports, and England refused the passports. Then this representative of the three delegates, appointed by the national congress for India and the Indian people, wrote to the president of the peace conference, Mr. Clemenceau, which letter, it may be said in passing, received no reply. In that letter he had a paragraph that I think is cryptically significant of the whole situation. He says:

It is unnecessary for me to dwell upon the imperative importance of solving the Indian question for the purpose of insuring the future peace of the world and the progress of the people of India. India is self-contained, harbors no design upon the integrity of other States, and has no ambition outside India. With her vast area, enormous resources, and prodigious population, she may well aspire to be a leading power in Asia, if not in the world. She could therefore easily be a powerful steward of the league of nations in the east for maintaining the peace of the world and the stability of the British Empire against all aggressors and disturbers of the peace whether in Asia or elsewhere.

And if there be anything to the suggestion of a "yellow peril" at any time, a happy, contented, self-governed India, an India that has proved her worth to civilization in the present war, would have a stabilizing influence if she had her institutions self-chosen. [Reading:]

But with India politically enchained, it is impossible for her to occupy her proper place among the nations of the world or to develop and realize her potentialities, so as to be able to render decisive assistance to the league of nations in enforcing the supreme object of its creation, viz, the peace of the world.

Gentlemen, India will be either stable, contented, and happy and a bulwark against any possible yellow peril—if there be such a thing, which I doubt very gravely—she will either be that or else continue discontented, with growing poverty, with growing suffering. Six million Indians died in the last three months of 1918 from devitalization and from influenza because of the exploitation of India by England, not for India but for England, the drawing of resources out of India making it impossible for her to maintain an adequate food supply.

We face the world to-day with two alternatives, either a stable, happy nation, a bulwark against any menace, or a discontented India, the basis of future exploitation. And then there will be turned upon a region about India God knows how many wars that she may have, because I remember in one of the liturgical hymns there is a description of war, which, when translated literally, means a desire for cattle. The coinage of India at that time was cattle, and the native population very literally in describing war gave the definition of war as a desire for cattle.

Now if there should be a desire in the minds of the growing nations of the world to use India as a ground of exploitation, India, dis-

contented, unstable, unhappy, and unfree, will provide a fine field for future trouble.

Now, gentlemen, it has been said publicly and privately that the question of India is a domestic question for England to decide. No question, gentlemen, to my mind, of any nationality, of any people, whether they be 1,000,000 or 350,000,000, can be a domestic question, if the whole world is called upon in more or less common council to decide upon it, and it has the machinery which will make the liberty of mankind not a domestic but an international question.

But in the second case, specifically the case of India can not be a domestic question since England has made India a signatory to the treaty. Therefore the Government must consider their situation. Now either she is to be an honest-to-God signatory to the treaty or she is not. If she is, what is her position? Why, gentlemen, her position is as good as any country under a mandatory. I do not know just exactly what a mandatory is, I have not been able to find out, but it is supposed to be some kind of a trusteeship, a guardianship, for other people until they are able to stand on their own feet and govern themselves. But if India is a territory—is to be looked upon as a territory, not a mandatory—she is a territory and not a mandatory because she can never speak under present conditions except through England. If she had a dispute with Canada she could not appear and appeal to the machinery of the league in its present form, because she could speak only through England. She is merged in England. She could not speak except through England. So if she had a dispute with Canada, England could, if she wished, have her appeal before the council under the present machinery, but India herself could not do it. So she is neither fish nor fowl, in the present circumstances. She was signed to that treaty for English, not for Indian, purposes.

But we wish to take advantage of the strategic position which England has given her to claim the rights of an honest-to-God nation that has signed the treaty, and it does seem no extraordinary thing in America after the war that we should ask that every nation signed to the treaty with the altruistic purposes which those nations claimed to have, should free every people serving, living, and trying to live under their government.

I am not here in any anti-British spirit. I surely am not. Mr. Chairman, I am not here making any argument against the English people. I am making arguments against the present government of England over 350,000,000 people.

I should like to point out in conclusion what India did during the war. India gave 1,475,000 men to the war. She contributed $1,000,000,000 in money, more than any other dominion of England. Besides untold quantities of stores and provisions, she suffered war losses of 100,000 men. The vitality of the people was so low, as I said, that during the last three months of 1918 she lost 6,000,000 people.

The average income of an Indian citizen is $10, and his taxes are $1.60. There is not much opportunity for accumulating wealth in India, under these conditions, with an income of $10 and taxes of $1.60, virtually 20 per cent.

That the British Government is not prepared to apply the principle of self-determination to India is proved by recent events. The

system which England has already spoken of as the system of democracy which she purposes for India is not even a physical autonomy for India. It is not even a provincial autonomy for India. And while the forms are highly altruistic, the substance is very practical and leaves India just exactly where she is.

The people of India ask that, having served in this war substantially, having given billions of their resources, having suffered death on the battle field and death at home, and having believed that the purpose of the Allies was democracy, we shall stand in the international court of equity, all of us, with clean hands, and that we of America who meant what we said shall see that England stands also there with clean hands. And the specific request that we make of this honorable committee is that there be such a change in the covenant as will make it specifically imperative on every signatory to the document that all people under each signatory shall be provided with democratic institutions.

I beg to read a resolution which Mr. Rai has handed me and which I omitted, passed by the Indian National Council in December last. [Reading:]

"In view of the pronouncement of President Wilson, Mr. Lloyd-George, and other British statesmen, that to insure the future peace of the world the principle of self-determination be applied to all progressive nations, be it

"*Resolved*, That this Congress claims the recognition of India by the British Parliament and by the peace conference as one of the progressive nations to whom the principle of self-determination should be applied."

There can be no justification whatever for withholding the application of this principle to India. The plea of unfitness, usually advanced by ignorant people or vested interests, is untenable and untrue. The civilization of India is admittedly much more ancient and venerable than that of Rome or Athens. British statesmen themselves have often declared that India was civilized centuries before the modern nations of Europe emerged from barbarism. Indian society has been held together for thousands of years without foreign aid or intervention. Peace, order, and good government existed in India for hundreds of years, and its annals compare favorably with any period of European history. Even democratic forms of government flourished in various parts of India centuries before Alexander the Great invaded Hindustan. All educated Indians passionately protested against the imputation of unfitness as a calumnious libel upon their capacity for self-government on democratic principles. I am thoroughly convinced that the pressing problems of the poverty of India, physical degeneration, industrial regeneration, economic development, technical and primary education, and delicate questions of caste and custom can never be solved by men exclusively wedded to western civilization, but can be successfully surmounted by Indians alone. I submit Europeans are disqualified for the task; Indians alone are fit for it.

Gentlemen, you know what is said. There are so many accusations that India is not fit for self-government. India is not, under those circumstances, fit for self-government such as the English or western civilization would impose upon her. But India is fit for self-government, for governing her own institutions, her own people, speaking through England, if you will, an England which would recognize the culture, the conditions, and the diversity of institutions of India. The only barrier to self-determination, Mr. Chairman, in India, is the continued rule such as India has been given. The fact that men speak different languages is no barrier to self-determination of India through self-chosen institutions. That does not prevent their coming together in a comity, in a desire for political freedom. The wonderful work that has been done in the Philippine Islands in 20 years by the United States in preparing that people substantially for self-government makes the present treatment of the

people of India, with their thousands of years of culture and literature and art and character, untenable.

And, gentlemen, I submit that this is not a fiction—this argument. You deal with a concrete situation. You are now at a critical time, and may I say, Mr. Chairman, that I am at least one American who sees no reason whatsoever why a piece of machinery like the league of nations, which it is hoped by its chief advocates will provide the machinery for the peace and the liberty and the comfort of the millions of mankind for centuries, should be rushed through without a complete discussion by the people of every nation; surely not by this country, who asked to do our share toward the completion of that covenant without regard to any political considerations.

We should see that this document and every provision in it is thoroughly rehearsed and thoroughly discussed, completely opposed and argued for. A year or two years spent on the discussion of a piece of machinery which is supposed to guide mankind for centuries would not be long, and we can then pause and think it over and stop to consider the meaning of it. I have asked to-day merely the consideration of this committee—and you have been very generous in your time, sir—to the one problem of India. Will there be an India content and free under democratic institutions, which shall be demanded and required by our Nation, or will it be an India open for future exploitation, for wars, and for graveyards for her sons?

I wish to leave briefs for all members of the committee.

(At the request of Senator Williams a memorandum by Mr. Sidney L. Gulick and correspondence relating thereto are here printed in the record, as follows:)

NEW YORK, *August 21, 1919.*

Hon. JOHN SHARP WILLIAMS,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: I am pleased to send herewith a letter which I have received from my old friend, Dr. Sidney L. Gulick of the Federal Council of the Churches of Christ in America. This letter I believe will commend itself to you as an impartial statement of fact and I trust that it will serve a good purpose.

Dr. Gulick has lived in the Orient for years and knows his subject well, and his position as an official high in the councils of the church renders him peculiarly well adapted to speak upon a much misrepresented subject. I know him to be a man upon whom the utmost dependence can be put.

Pro-Japanese writer are as much out of order as pro-Chinese. As I see it the need just now is for statements which do not have as their premise an incurably pro anything but fact. It is with these considerations that I transfer to you his letter, inviting your attention to the fact that the author has recently been attacked by Hearst's New York American, Mr. McClatchey of Sacramento and Senator Phelan of San Francisco on the supposition that Dr. Gulick was a Japanese agent and being financed by the Japanese Government. These conclusions are erroneous and I am persuaded to believe that they are the result of a perverted and distorted perspective which has colored the imagination into a state where reason and calm deliberation are not known and I am sure that to you they will but serve to illustrate this fact and portray their obviously unfair and one-sided character.

My dear Senator I most heartily congratulate you upon your worthy stand for fact and information, and if I can further your efforts in any way I shall be most be pleased to do so.

Cordially yours,

MILTON B. MCINTOSH.

WASHINGTON, D. C., *August 20, 1919.*

Hon. J. S. WILLIAMS,
United States Senate.

MY DEAR SENATOR: I take the liberty of sending you an article I have prepared on the Shantung question. It might be entitled "The duty of America to China."

I conceive that duty to be the ratification of the treaty, including both the covenant of the league of nations and the clauses dealing with the disposal of the so-called German "rights" in China.

Contrary to the views of Thos. F. Millard and other anti-Japanese agitators, the ratification of those provisions is essential to the establishment of right in international relations in the Far East and the ultimate salvation of China.

Respectfully, yours,

SIDNEY L. GULICK.

AMERICA'S DUTY TO CHINA.

[By Sidney L. Gulick.]

War between America and Japan, Mr. Thomas F. Millard and others assert, will surely come, if the treaty provisions regarding Shantung are accepted by the Senate. For Japan, they insist, will keep Shantung indefinitely, whatever her promises may be; she will organize, militarize, and capitalize it for her own selfish and imperialistic ends.

Official spokesmen for Japan, on the other hand, such as Baron Makino, peace delegate at Paris, Viscount Ishii, late ambassador to the United States, Viscount Uchida, foreign minister, and Premier Hara, have repeatedly declared that as soon as peace is established, steps will be taken to return the political sovereignty to China, in harmony with the treaty arrangements made between Japan and China in May, 1915.

These assurances are the most responsible that a country can make. They have been made with utmost publicity and also directly to President Wilson and to the prime ministers of England and France, Lloyd-George and Clemenceau. Yet the anti-Japanese agitators in America have doubted, flouted, and ridiculed their assurances in terms of the utmost insolence. Insult has been heaped upon insult, so far as words could do it and they would fain have the American Senate lend the weight of its authority and its action to these insults. These agitators are apparently taking every means within their power to embroil the relations of America and Japan.

So far, however, from war between America and Japan being likely to result from the ratification of the Shantung clauses of the traety, the probabilities are that this act will be the surest means for maintaining friendly relations.

Consider the situation. England and France have much larger "spheres of influence" and "interests" and "rights" in China than has Japan. These two nations have recognized by formal treaties, in appreciation of Japan's services in the war, Japan's right to succeed to the "German rights in Shantung." Japan, moreover, has practically declared to the world, that because of her own special needs and her nearness to China she does not propose to permit further alienation of her territory by helpless China to any third power—the so-called Asiatic Monroe doctrine. She will restore Shantung to China under conditions that will make it forever secure.

If now the United States accepts the arrangements made by Great Britain, France, and Japan for the disposal of German "rights" in China, China will recover complete sovereignty—and this some 70 years (and possible 700 years) sooner than if it had remained in German hands. To be sure, according to the plans, German "economic rights" will still remain in Japanese hands. But if it is not wrong for England, France, and other lands to have "economic rights" in China, to maintain "concessions," "compounds," "settlements," and various kinds of "interests" and "spheres of influence," and to keep bodies of armed troops in China in support of these "rights," why is it wrong for Japan to do so? Here is the factor in the situation that few critics seem to recognize.

Moreover, few anti-Japanese writers seem to realize that Japan's interests in China are "vital" in a sense and to a degree that the interests of no other people are. Japan is dependent on China for food, raw material, and markets. An embargo on exportation of rice or any other important staple might be fatal to Japan. Right or wrong, she does not propose to allow such a possibility to arise. England and France have recognized that policy and propose to support her in it. The danger of war will arise only if America undertakes by force to expel Japan from Shantung. This, however, is inconceivable, however loudly such men as Mr. Millard and the anti-Japanese merchants of Shanghai may clamor for it.

But what about China? Does not the treaty seal her doom? Will she not fall under the strangling domination of Japan? That will depend on what China herself does and also on what the nations do. First of all she must undertake thorough-going measures with herself. All the nations in the world can not save her, unless she honestly exerts herself. She must get rid of her traitorous and corrupt politicians who continuously betray her. Her leaders must qualify for life in the modern world. If they will set themselves resolutely to do this, undertaking reforms in the administration of justice and in the honest conduct of government by honest men, she can in time secure from the league of nations relief from the present onerous conditions. In no other way can she hope for abrogation of the obligations she has undertaken through her bungling and inept diplomacy of the past.

If no league of nations is formed and if the restoration of Shantung to China by Japan is not accepted by the nations, then Japan will no doubt stay in Shantung. In that case incalculable world turmoil is ahead of us all. The nations will plunge headlong in a new race in armaments. China will be completely swallowed up by the competing nations.

The only hope of peace for the world and of opportunity for China is the ratification by our Senate of the treaty establishing a league of nations and providing for the restoration of Shantung by Japan.

In regard to the provisions of the treaty dealing with Shantung the Senate might well express in a clause its acceptance of the assurances given by the Japanese Government that it will promptly restore Shantung to China. Japan's procedure along that line will soon become the acid test of her honor and spirit of loyalty to the allies.

The real hope for the future of China, however, lies in a unified international policy. Might not the Senate take steps to formulate and propose to the league of nations at an early date a positive and constructive policy for a fundamental solution of the whole far eastern problem. Such a policy would make the rights and interests of China herself paramount to those of all foreign nations. She should be given fair play and opportunity to become a great self-governing democratic nation. As rapidly as possible, she should be given complete control of all her own affairs with judicial, and tariff autonomy. To these ends, not only Japan, but England as well, and France and every other nation should undertake to restore to China their respective "rights"—secured in too many cases by force or fraud; they should withdraw their troops and police.

But this is a policy and program that no nation can enter on alone. Least of all is it a policy that we can honorably ask Japan to follow and say nothing about it to England and France as a policy that they too should adopt. It is a policy, possible and desirable only by joint arrangements of all the principal nations.

In order, therefore, to make a good beginning along these lines, as soon as the league of nations is under way, should it not create an international far eastern bureau to deal with all these matters, to become so to speak the "receiver" of all the special "rights" granted in past years by China to the various nations, and to put into practice in the name of the cooperating nations the principles outlined above?

The way out of the "Shantung tangle" is not the action suggested by Thomas F. Millard. That is the surest way to bring on a war in the Far East and to force Japan to keep, if she can, a strangle hold on China. The way to save Shantung and China is to establish principles and processes by which China will recover her rights. Japan will be assured of full access to food, raw materials, and markets, and the whole world be enabled to share in the prosperity of a wholseomely developing China.

Does not this proposal commend itself to every lover of China and lover of peace and good will among the nations?

The writer speaks for himself alone in these matters—not for any of the organizations with which he is connected. He is, moreover, not ignorant of the wrongdoings of Japan's representatives in Korea and in China. He by no means condones them. Nor does he defend all her policies and he diplomacy. In this article he is not seeking to appraise the rights and wrongs of her procedures in foreign lands. He is concerned only with suggesting a positive and constructive policy which he believes will solve the problems ahead, not only of China and the United States, but of the whole world. Such a policy is therefore a duty.

The hope of the world lies in the establishment of the league of nations and in a fundamental and friendly international solution of the Shantung question.

The CHAIRMAN. The committee will meet in executive session this afternoon at 3 o'clock.

(Thereupon the committee, at 12.20 o'clock p. m., adjourned until to-morrow, Saturday, August 30, at 10 o'clock a. m.)

SATURDAY, AUGUST 30, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to adjournment, at 10 o'clock a. m., in room 426 Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), Borah, Brandegee, Fall, Knox, Harding, Johnson, New, Moses, Swanson, and Pittman.

The CHAIRMAN. The committee will be in order, please. Judge Cohalan, we will hear you now. Unfortunately our time is limited, and we can give only two hours, as we have to hear representatives of Greece for an hour afterwards. Judge Cohalan, I leave it to you to arrange the time for the different speeches.

STATEMENT OF HON. DANIEL F. COHALAN, JUSTICE OF THE SUPREME COURT OF NEW YORK.

Judge COHALAN. Mr. Chairman and gentlemen of the committee, acting on behalf of those who are here to represent the great bulk of the 20,000,000 of the Irish element in this country, we have arranged a program which with your permission we will carry through in the order we have fixed, if possible, taking only the time you have allotted to us. If we may have to call upon you for a few minutes extra, we are going to ask you to indulge us in it if you will.

We are opposed to the proposed league of nations for many reasons, all of which we believe are of great weight and importance to the interests of our country. We object, in the first place, to the proposal to establish what we believe to be a superstate to which shall be delegated or turned over powers that belong to the sovereign United States of America. We believe that that is an infringement upon the sovereignty of the country and is an interference with its liberty, and because of that we most strongly oppose the establishment of any such body.

We believe it to be an affront to America to suggest even that in any such proposed league of nations as is coming before us that any country, no matter how friendly it may claim to be to America, should have six votes as compared to the one vote of America. We believe that would be an affront to the intelligence of the people of America and a very decided injury to America if any such scheme were to go through.

We are opposed to this proposed league of nations because of the fact that under it we believe the old American doctrine of the freedom of the seas, for which America has stood all through its history, is not taken care of in any way, but that, on the contrary, the matter

has been arranged in such manner as to turn over to England, without protest, the control of the oceans of the world.

We call your attention to the fact that because of the extraordinary development of our industrial conditions we manufacture in less than 8 months of every year what we would consume in 12 months, and that as a consequence of that, for 4 months in the year we are dependent for a market, and for an output for our factories, upon our foreign trade. We insist that under the conditions that would obtain if this proposed league of nations were to go through we would be left in a position where we could carry on such trade, not as the matter of right which we now enjoy, for which we fought, and our forefathers before us fought, and which we have always enjoyed during the history of our country, but as a privilege extended to us by the nation which controlled the sea. We say this in no spirit of hostility to England. We would take the same position if any other country were put in the position of controlling the sea. We insist that for the interest of America it is absolutely requisite that no power should be able to control the ocean through the system of navalism any more than any country divided should control all the land under the system of militarism.

We believe we went to war for the purpose of ending autocracy and all that that means, and that it means not alone militarism, the control of the land, but also navalism, the control of the oceans of the world. We say that if we could carry on our commerce only so long as the opportunity to do so was extended to us as a matter of privilege by any nation, no matter how friendly that nation might claim to be, we could in no way build up our commerce or build up our industry on any permanent basis at all, because our commerce would be subject to the whim, or subject to the interest, or subject to the passion of the hour, as it might appeal to any other nation, or to any combination of nations together; and we point out with relation to that that we do not believe this war will have been properly won; that is, that the interests of America will have been properly taken care of as a consequence of the winning of the war as we insist that it was won, because of the contribution made by America, in spite of all that may be said by the other countries and the contributions they made, and the interests of America and the interests of mankind will not be properly safeguarded so long as any one nation of any combination of nations is left in possession and control of the sea, and able to interfere with the commerce that should be carried on in a normal way between all the free-trading countries of the world, all the countries that want to carry on commerce with one another and to have friendly business relations with one another.

We believe the British fleet in its position of predominant power to-day is a menace to the commerce of the United States. We say that it no longer can be a weapon in the hands of England as against Germany, because Germany has been put in a position where it can in no way compete with England, where it has been deprived of its navy entirely.

We say the same thing with relation to Russia. We say that it can not be held in any way to be used as a weapon against France, because France, through the action of her statesmen and the stress

of circumstances, has practically been taken into the continental vassalage of England. We say under those conditions that the English fleet can be directed or used as a weapon of menace against nobody except the United States of America, and we point out that even though, as many Englishmen contend, it is only a matter of coincidence it is a fact that at any time when any country has put itself or been put in the position of being an economic rival or being an industrial competitor of England ruin has overtaken that country in every way; and we say in the interest of a just and permanent peace, if it can be made under these conditions at all, it can be made only by taking care to see that England should not be put in a position where she can menace the commerce of the United States, and menace the commerce of the world, whenever it suits her interest or whenever it suits her whim to do so. We suggest with relation to that, that in any peace that should be made precaution should be taken to see that there be a general disarmament not only on land but also on sea, so that there will be actual freedom of all the world and not freedom simply of part of the world.

We point out the importance of Ireland in any scheme that would practically bring about the fredom of the sea. We say, again in no spirit of hostility to England at all, but only taking conditions into account as they exist, that England can not continue to be the dominant power of the earth; that England can not continue to control the world unless she controls the sea, and that her continued control of the sea is dependent upon her continued control of Ireland; and we say that she can make no better contribution to the general freedom of the world, she can give no better evidence of her desire to make a just and durable and permanent peace, than by consenting to the disarmament of this fleet, which now is so very much larger than the fleet of any other nation or practically any combination of nations.

Senator BRANDEGEE. Do you object to being asked a question, or do you want to proceed without interruption?

Judge COHALAN. I do not mind, at all.

Senator BRANDEGEE. I wanted, if it would not interrupt the continuity of your thought, to have you state a little more in detail what you mean when you say that the continued supremacy of the sea depends upon this control of Ireland by England. I did not quite get it.

Judge COHALAN. For your consideration, I would present the geographical position of Ireland with relation to England, the thing to which you remember George Washington referred when he said that if Ireland were 500 miles from England there would be no Irish question. When you think of the relation of Ireland to England, you see it puts England in a place where she can control the ocean, as she can not control the ocean unless she controls Ireland. While it is true that England made last year $225,000,000 out of the control of Ireland, the real secret for insisting upon keeping her control of Ireland is that she wants to be able to control the seas. She can do that because of the geographical position of Ireland only if she controls Ireland. You will remember that you can not approach the southern coast of England without passing the southern coast of Ireland, and can not approach the northern coast of England without passing the northern coast of Ireland. Under the circumstances, England is going to insist on control of Ireland.

As I say, she can make no greater contribution to the freedom of the world, can give no greater evidence of the desire to bring about a just and permanent peace, than to give her consent to having the republican form of government which has been set up in Ireland recognized by herself as well as the other nations of the world.

Passing from that we contend that we must as Americans take a position in opposition to this proposed league of nations because of what it does with relation to the Monroe doctrine. We insist that the Monroe doctrine is one of the fundamental principles upon which American power has been reared, and that our foreign policy has recognized it as the great principle of American statesmanship, of American interests, and if this peace convention is going to give its attention to the settling of all problems in the future so as to do away with the probability of some great war occurring in the world, it ought to take into question conditions as they have existed up to the present time, and then the interests of America are the first thing that should be looked out for by those who represent and speak for America.

We point out that under the Monroe doctrine, as it has been established, we have grown in wealth, prosperity, and power as no nation in the history of the world has grown. And we say that the Monroe doctrine if it is to be changed should be changed not in the way of diminishing its power, but in the way of strengthening its power. If there shall be a desire to make a permanent peace, the Monroe doctrine should be extended so that it shall include any European interests in the Western Hemisphere. Any European country which is represented here by territory should depart. Since the Monroe doctrine has been enunciated all the territory which is possessed in western America by them has been given up by Denmark, France, Russia, Spain, and Portugal, and the only power remaining in any large way upon this hemisphere, the only European power possessing territory of any extent in this country, is the British Empire, and we say that if there is going to be a permanent settlement to come out of these peace negotiations, the people of Canada, our great neighbor on the north, ought to have submitted to them the question of taking their place among the republics of the Western Hemisphere, or even if an arrangement could be made of joining our country, and in the same way the territory that England has in the West Indies should be turned over to America or turned over to the people of those islands in order that there may be no further menace of American commerce, so far as the Western Hemisphere is concerned.

We Irish think that there should be no abandonment of the policy laid down by Washington in his Farewell Address of keeping away from permanent entangling alliances with any of the countries of the Old World. We point out that this has been the policy which has been followed strictly by America and has resulted probably more than anything else in strengthening the extraordinary position we occupy to-day. As the Senator from Pennsylvania said so well yesterday, the only great solvent power left, practically, on the earth is the United States, and it is the duty of those representing America to continue this policy, and we urge that in acting for the welfare of America care should be taken to see that that doctrine should be upheld, and that the advice of Washington should be con-

tinued and lived up to in such a way that we should neither take part in the quarrels of the Old World nor permit them to take part in our quarrels.

Coming down to specific things, as far as article 10 of the proposed league of nations is concerned, we most emphatically protest against that. Under it we are asked to make the greatest departure from American traditions of statesmanship that has ever been made. We are asked to abandon the position that we have taken up to this day, as we did in Cuba, to give aid where people have been struggling to be free, and we would be unable to extend our sympathies to people all over the world who are struggling to be free, if we guarantee the territorial integrity of existing nations. Under the proposed league of nations we should have to guarantee the territorial integrity of the Japanese Empire, the British Empire, the only two empires remaining, and guarantee to them the possession of all the spoils and the loot that they have gathered up in their existence in all parts of the world. No relief could be given Ireland as in the sixteenth century Spain gave aid to Ireland in her fight against England, for we would be compelled to make a fight, and would be compelled to send our men into Ireland, not for the purpose of helping them in their struggle but in order to help England to rivet the chains upon her.

We point out that if France should desire to assist Ireland as she did in the seventeenth century and the eighteenth century that she would be unable to do so.

We say that it is utterly un-American, that it is against our best interest, against our highest ideals and against our highest ambition, and we point out the facts so well known that if a league of nations had been in existence at the time of the Revolution that France could not have come to the asssitance of the 13 Colonies, or if it had been in existence at the time of the Spanish-American War, that we could not have gone to the assistance of Cuba, to help Cuba to obtain the position that she now occupies among the Republics of the world.

Now, so far as Ireland is concerned, of course we understand that this discussion here should be very largely confined to the proposed league of nations. But we want to point out some of the conditions over there that show the state of affairs in the British Empire. We say that no people on earth held in oppression, held practically in slavery, have ever shown such an extraordinary political unanimity in the expression of their desire to change the form of government under which they live, and to become again one of the free nations of the world. Ireland is able to support herself—to stand upon her feet. England last year made from Ireland $225,000,000. She gathered in taxation, according to her own figures, some £34,000,000, equivalent to $170,000,000; she spent for the government of Ireland some £13,000,000, leaving a profit of £21,000,000, or $105,000,000, taking $5 as the value of a pound.

Last year by reason of her absolute control of the sea, by reason of the fact that she shut Ireland off absolutely from contact with the rest of the world, so far as commerce is concerned, compelling Ireland to sell everything she has to sell through an English channel and compelling her to buy everything she has to buy from the western

world through an English channel, she did 95 per cent of the business of Ireland.

Sir Horace Plunkett says that Ireland's business with the rest of the world amounted to $820,000,000. The English statistics, so far as we can get them, show that this amount was $860,000,000 instead of $820,000,000. And we say that the English trader, who has no peer in ability, has made profit on the turnover of $120,000,000. This, together with the excess taxation, makes a total of $225,000,000.

We say that since the Act of Union the Childers Commission, which was appointed by Gladstone in 1894, composed of 15 men (9 Englishmen), after two years of investigation of English data, reported that Ireland, instead of costing the English money, from January, 1861 to 1896, had overpaid into the English treasury in the form of overtaxation annually the sum of £2,715,000, or the equivalent of $14,000,000, which means that for the 120 years since the formation of the union England had taken out of Ireland over $1,700,000,000. We call your attention to that staggering sum even in these days. When they wanted to destroy France they imposed an indemnity of $1,000,000,000, but here they have taken from Ireland in overtaxation a much greater sum.

In the last 70 years, between 1845 and 1915, the population of Ireland has been practically cut in two. In 1845 the population was practically 8,500,000—between 8,250,000 and 8,500,000. According to the census taken in 1915 by the British Government the population was a little over 4,000,000. We say that you can not find any parallel in the history of the world as that.

Senator KNOX. From what years?

Judge COHALAN. Seventy years; from 1845 to 1915.

Senator KNOX. There is a parallel in Central America.

Judge COHALAN. I did not know that you could find one.

Senator KNOX. That is under very benighted conditions.

Judge COHALAN. I would say, in relation to that, by way of comparison, that the peoples of the continent of Europe that were most strongly tyrannized over—if you put it in that way, the nations against whose governments the strongest complaints were made by those over whom they were working and who suffered most under such a condition of affairs, during the time that Alsace-Lorraine was under German rule she grew and prospered in population; Schleswig-Holstein under German rule grew and prospered; Poland under Russian rule; and there has been no parallel, except as Senator Knox has indicated as to Central America.

We say that we are dependent for four months of every year upon the foreign markets of the world to find some place in which to sell our goods in order that our factories may run to their full capacity and the men may be employed.

In 1913 the business between England and the United States amounted to $875,000,000. The exports from America to England were $700,000,000, while the imports from England to America were $175,000,000. The business between England and Ireland was $675,000,000 in that year, and the imports were around $350,000,000, so that England found in Ireland a place to which to send her manufactured goods to the extent of twice that she found in this country.

In 1801 the population of England was 9,000,000 and the popula-

tion of Ireland was 6,000,000. The size of England is 50,000 square miles and Ireland 32,000 square miles, showing that the proportion of population of Ireland should be two-thirds that of England. That was the condition when the act of union, passed on the 1st of January, 1801, which Gladstone characterized as the most corrupt act ever passed in England.

We say that the proposed league of nations is un-American and that it can not be depended on to guard the interests of America, that it can not safeguard the interest of America. We speak for people who are devoted to America above everything else, who have done everything possible to stand by American traditions and ideals. We urge upon you very strongly, speaking practically for one of every five persons in America, that the Senate report against this proposed league of nations and recommend that the Senate reject it, and if under any circumstances any part of it should be accepted that under no condition should article 10 or article 11 be accepted, or any other things from which there would be a curtailment of American sovereignty and American independence. We are opposed to the whole league of nations. We believe it is un-American, and urge and insist that in it there can be no justice and no just and permanent peace, and that by adopting it you are only making for a continuance of the war.

Senator MOSES. Judge Cohalan, you spoke of your speaking for one of every five persons in the United States. Do you intend to imply that there are 20,000,000 of inhabitants of this country who are of Irish origin?

Judge COHALAN. We think there are many more than that.

Senator MOSES. And the views that you express are shared by that 20,000,000?

Judge COHALAN. Suppose I give you some evidence of it. I would like to put in the record the reasons I have for that opinion. On the 22d and 23d of February, in the city of Philadelphia, I had the honor of presiding over the most patriotic gathering of American citizens that I have ever seen. There were 5,132 accredited delegates to the convention. The resolutions that were passed were offered by Cardinal Gibbons, seconded by a distinguished Episcopalian minister and by a distinguished Presbyterian minister and by a famous Jewish rabbi.

Among those thousands of delegates were hundreds representing the Friends of Irish Freedom, hundreds representing the Ancient Order of Hibernians, with its more than quarter million members, and represented at this hearing by its national president, Judge Deery of Indianapolis, and its other national officers. Many speakers there represented the Women's Auxiliary of the Ancient Order of Hibernians, and that order is today represented here by its national president, Mrs. McWhorter, and its other national officers; and present also were representatives from practically every Irish American society in this country. From compilations frequently made from statistics as to the racial origin of the people of our country, we feel that we are well within bounds in claiming that without regard to religious belief, at least 1 in every 5 of our citizens is of Irish origin.

Senator MOSES. Can you explain, then, why it is that the Irish Senators are so lukewarm?

Judge COHALAN. Senator, I came here for the purpose of making an argument showing our position to-day. I came here to make an argument that would appeal to all the Senators, no matter what races they represent, and when the hearing is concluded I hope that the Senators will be convinced.

Senator JOHNSON of California. The difficulty is that you have been addressing yourself thus far to members of this committee who are of one mind upon this subject.

Judge COHALAN. Looking around and seeing the number of them, I am glad that that is so.

Senator JOHNSON of California. I wish it were possible for you to address them all.

The CHAIRMAN. Are you ready to go on?

Judge COHALAN. I am going to call upon Mr. Patrick J. Lynch, of the Supreme Court of Indiana, to read the memorial on the behalf of those who have come here. They have come from practically every State in the Union, from all walks in life, and from all over the country. We wish that it were possible to get people from the different parts of the country to be heard, but we have prepared a general memorial, and then later we will hand in the names of those who have signed.

(The following memorial was read by Mr. Patrick J. Lynch:)

MEMORIAL TO THE SENATE OF THE UNITED STATES.

SENATORS: We, citizens of the United States, of Irish blood, but attached above all things to this Republic and its Constitution, respectfully pray that the proposed treaty now before you be rejected as a direct violation of the principles on which this war was fought, as they were defined by President Wilson in these words, addressed to Congress:

"National aspirations must be respected; peoples may now be dominated and governed only by their own consent. 'Self-determination" is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril."

And, again, in the President's address delivered at Mount Vernon July 4, 1918:

"The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery."

On these principles other nations which have claimed their right to independence only during a period comparatively recent have been emancipated. To them America was bound by no ties save that of sympathy for the cause of freedom.

Ireland has been asserting continuously her claim to independence for eight centuries. America is bound to her by close ties of friendship and of obligation for manifold services in peace and war. One-fifth of this entire population is of Irish extraction. In every war which America has fought Irishmen have shed their blood in a measure far in excess of their proportion to population. We ask that Ireland be not the only nation excluded from the benefit of the glorious principles enunciated by Mr. Wilson, as those which the great war was fought to establish.

We especially denounce Article X of the proposed league of nations as a device to stifle the conscience of civilization and render it impotent to condemn, and, by condemning, to end the oppression of weak nations enslaved by powerful neighbors. It impeaches the most creditable page in our history and discredits the circumstances and conditions in which our Republic was born and our liberty achieved.

The conscience of civilization, the only force to which the oppressed can appeal, would no longer be able to take effective jurisdiction of wrongs perpe-

trated by powerful nations on weaker people. No struggling nation has ever achieved its independence except through the aid of other nations. The struggling American Colonies could never have thrown off the yoke of Great Britain without the aid of France. Cuba could never have been freed without the intervention of this country, and one of the most creditable pages in human history would never have been written.

Greece could never have escaped from the hideous domination of the Turk but for the assistance of enlightened nations.

Under article 11 it becomes the right of the council of the league to prevent an assembly of American citizens to petition their Government to afford relief to an oppressed nation. On this point article 11 specifically says:

"It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threaten to disturb international peace or the good understanding between nations on which peace depends."

Under that clause our Congress could not express in the future, as it did in the past, our sympathy with countries like Greece, seeking freedom from the Turk; the South American Republics, seeking liberty from Spain; or tender a welcome to Kossuth, of stricken Hungary; or Parnell, pleading for a self-governing Ireland.

The determination of Ireland to regain her independence has been one of the sources of every great war which scourged the world for four centuries. Any question which disturbs the peace of nations is not domestic, but international. Its settlement is, therefore, an imperative necessity of international peace.

Through long centuries of oppression Ireland has maintained her national spirit largely because she has always hitherto been able to cherish a hope that she might receive from some well-disposed foreign power the assistance which would insure her independence. She looked to Spain for this aid at the close of the sixteenth century; to France in the seventeenth, eighteenth, and nineteenth centuries. She looks for it now in the twentieth century to America, and we confidently hope and pray that the Senate will not allow that light of hope to be extinguished.

Signed by—

Daniel F. Cohalan, justice, supreme court, New York City.
Frank P. Walsh, Kansas City.
E. F. Dunne, former governor, Illinois, Chicago, Ill.
Michael J. Ryan, Philadelphia.
John Archdeacon Murphy, member of American commission on Irish independence, attending peace conference, Paris, Buffalo, N. Y.
Charles S. Bartlett, governor, New Hampshire, Concord, N. H.
W. W. McDowell, lieutenant governor, Montana, Butte, Mont.
John W. Goff, former justice, supreme court, New York City.
Bourke Cochran, New York City.
Daniel T. O'Connell, director, Irish national bureau, Washington, Boston, Mass.
John E. Milholland, New York City.
James K. McGuire, representing Irish societies of Westchester County, N. Y.
Joseph F. O'Connell, former Member of Congress, Boston, Mass.
Rev. F. X. McCabe, president De Paul University, Chicago, Ill.
Right Rev. Monsignor Gerald P. Coghlan, treasurer Philadelphia Friends of Irish Freedom, Philadelphia.
Michael Francis Doyle, Philadelphia.
Mary F. McWhorter, national president Ladies' Auxiliary, Ancient Order of Hibernians, Chicago, Ill.
Peter F. Tague, Member of Congress, Boston, Mass.
Cornelius Corcoran John McBride branch, Friends of Irish Freedom, Lawrence, Mass.
Frank S. McDonald, John McBride branch, Friends of Irish Freedom, Lawrence, Mass.
Michael F. Phelan, Member of Congress, Lynn, Mass.
Hugh O'Neill, committee of 100 for an Irish republic, Chicago, Ill.
Richard W. Wolfe, committee of 100 for an Irish republic, Chicago, Ill.
James E. Murray, representing Irish societies of Montana, Butte, Mont.
C. E. McGuire, Washington, D. C.
D. J. Carlin, New Orleans, La.

John P. Leahy, delegate, Friends of Irish Freedom, St. Louis, Mo.
W. J. O'Brien, M. D., Philadelphia, Pa.
Mrs. M. A. Gallagher, State president Ladies' Auxiliary of Pennsylvania, Ancient Order of Hibernians, Philadelphia.
Louis E. Kavanaugh, president Omaha Association branch, Friends of Irish Freedom, Omaha, Nebr.
P. M. Halloran, representing Irish societies of Anaconda, Mont.
J. W. Maney, president of Friends of Irish Freedom, Oklahoma City, Okla.
Horace H. Hagan, former assistant attorney general of Oklahoma.
Dennis Meehan, York, Nebr.
Thomas Darragh Mullins, member national council, Friends of Irish Freedom, Pittsburgh.
Dudley Field Malone, Croton on the Hudson, N. Y.
Martin Scully, former mayor of Waterbury, Waterbury, Conn.
Joseph P. Mahoney, president United Societies of Cook County and Chicago, Chicago, Ill.
Rev. James Mattan Mythen, representing national council, Baltimore, Md.
Patrick Lee, secretary American commission on Irish independence, Richmond Hill, N. Y.
Hon. David J. O'Connell, Representative, Congress, Brooklyn, N. Y.
Very Rev. Edward C. O'Reilly, representing Catholic clergy of diocese of La Crosse, Baraboo, Wis.
P. J. McGarvey, Philadelphia, Pa.
Hugh McCaffrey, Philadelphia, Pa.
Bernard J. Rocks, Newcastle, Pa.
P. T. McCourt, committeeman, Friends of Irish Freedom, Akron, Ohio.
T. A. Clancy, Hartford delegate, Hartford, Conn.
Patrick J. Lynch, Indianapolis, Ind.
Margaret T. Mulvaney, State secretary Ladies' Auxiliary Ancient Order of Hibernians, Providence, R. I.
M. E. Smith, treasurer, St. Louis, Mo., St. Louis.
Robert Emmett O'Malley, delegate, Michael Davitt branch. Kansas City, Mo.
P. J. Ryan, member of executive council, Washington, D. C.
M. O'Neil, president, Friends of Irish Freedom, Akron, Ohio.
James A. Kelly, Danville, N. Y.
Katherine Hughes, secretary, Irish national bureau, Washington, D. C.
Joseph T. Brennan, secretary Federation of Catholic Societies, Boston, Mass.
John R. Haverty, director John McBride branch, Lawrence, Mass.
Timothy P. Donohue. treasurer, John McBride branch, Lawrence, Mass.
Rev. Walter P. Gough, director of Columbus, Philadelphia, Pa.
Margaret L. Brosnahan, district president Ladies' Auxiliary, Ancient Order of Hibernians, Washington, D. C.
Margaret Buckley, district treasurer Ladies' Auxiliary, Ancient Order of Hibernians.
Thomas J. Blewett, representing Thomas Francis Magher branch, Bridgeport, Conn.
H. B. Cassidy, Syracuse, N .Y.
Edward Ryan, president Friends of Irish Freedom, Syracuse branch Syracuse, N. Y.
John B. London, secretary Ancient Order of Hibernians, Philadelphia, Pa.
E. J. Devine, delegate Norfolk branch. Norfolk, Va.
James O'Neill, president John McBride branch, Lawrence, Mass.
Rev. Joseph Byrne, D. D., president St. Mary's College, Darien, Conn.
Matthew Donovan, District Council 40, Philadelphia, Pa.
James O. Reilly, Ancient Order of Hibernian delegate, Philadelphia, Pa.
Henry J. Phillips. secretary Robert Emmet branch, Philadelphia, Pa.
Patrick King, Young Men's Union, Philadelphia, Pa.
Joseph P. O'Neill, Federation of Irish County Societies, Philadelphia, Pa.
O'Neill Ryan, St. Louis, Mo., former justice supreme court.
Michael Heffernan, Chester, Pa., Thomas Clarke branch, Friends of Irish Freedom.
William J. Hurley, New York, N. Y., secretary Maj. John McBride branch, Friends of Irish Freedom.
John J. Buckley, New York, N. Y., president Roger Casement branch, New York City.
P. J. Kilduff, Hoboken, N. J., State organizer.
Dr. T. C. McNamara, Hoboken, N. J., State organizer, Friends of Irish Freedom.

Thomas O'Brien, New York, N. Y., president St: Columcille branch, Friends of Irish Freedom.

Rev. William T. McLaughlin, Jersey City, N. J., State president, Friends of Irish Freedom.

Michael J. O'Connor, New York, N. Y., Innisfail branch, Friends of Irish Freedom.

Thomas J. Maloney, Jersey City, N. J., president P. Lorillard Co.

Kate M. Kelly, New York, N. Y., Irish Women's Council.

John Regan, New Bedford, Mass., president Thmas Clarke branch.

Rodger Power O'Neill, M. D., New York City, N. Y., National committee.

Thomas McNamara, jr., Youngstown, Ohio, chairman Ohio committee.

Shaemas O'Sheel, New York, N. Y., William Pearse branch, Friends of Irish Freedom and William Rooney Society.

Thomas F. J. Connolly, Port Chester, N. Y., Friends of Irish Freedom, Port Chester and Rye, N. Y.

Roderick J. Kennedy, New York City, N. Y., confidential attendant Supreme Court, State of New York.

W. E. Hogan. Bridgeport, Conn., vice president of De Valera branch, Bridgeport, Conn.

John O'Dea, Philadelphia, Pa., national secretary Ancient Order of Hibernians.

John J. O'Neill, Bridgeport, Conn., president T. F. Meagher branch, Friends of Irish Freedom.

Attorney Thomas D. Shea, Nanticoke, Pa., local council, Luzerne County; headquarters, Wilkes-Barre, Pa. Secretary, Matthew O'Connor Ford; vice president, T. R. Callam; treasurer, R. R. Fitzpatrick; trustees, P. J. Calligan, J. V. Moylan, C. A. Judge, M. D.

John Stratton O'Leary, New York, N. Y., member of grievance committee, Bronx Builders' Protective Association.

Cornelius F. Murphy, Shelton, Conn., president of P. H. Pearse branch, Friends of Irish Freedom.

Rodger Power O'Neill, M. D., New York City, N. Y., member national committee.

James D. O'Neil, Jenkintown, Pa., organizer.

Thomas McCourt, New York, N. Y., Con Colbert branch, Friends of Irish Freedom, Sunburst Club.

Frank Hague. Jersey City, N. J., member Jersey City branch.

Charles F. H. O'Brien, Jersey City, N. J., member Jersey City branch.

Eugene F. Kincaid, Jersey City, N. J., former Member of Congress.

Thomas Shea, Nanticoke, Pa.

Michael J. Enright, Chester, Pa.. Thomas Clarke branch, Friends of Irish Freedom.

James B. Mulherin, Augusta, Ga., delegate John F. Armstrong branch, Friends of Irish Freedom, Augusta, Ga.

Margaret Bowles, New York City, N. Y.. Bishop D. Dwyer branch, Friends of Irish Freedom.

Peter J. Fleming, M. D., Boston, Mass., medical committee.

Daniel Foley, Winthrop, Mass., professor of economics, Trade Union College, Boston, Mass.

John Morton, Dorchester, Mass., advisory committee chairman, Boston, Mass.

Rev. Edward S. Brock, S. J., Washington, D. C.

Joseph J. Hall, Naugatuck, Conn., assistant purchasing agent of Rubber Regenerating Co.

James O'Sullivan, Lowell, Mass., treasurer of two important corporations.

Jeremiah Flahavan, Ansonia, Conn., president of James Connelly Club. Friends of Irish Freedom, Ansonia.

Francis B. McKinney, Boston. Mass., lecturer Joseph Plunkett branch, Friends of Irish Freedom.

John G. Fitzgerald, Ansonia, Conn., vice president.

Michael B. McGreal, New Haven, Conn., City Board Ancient Order of Hibernians, New Haven, five divisions, three auxiliaries; Division No. 7, Ancient Order of Hibernians; Sarsfield G. A. Club. Friends of Irish Freedom, New Haven, Conn.

Matthew Cummings, Boston, Mass., president Boston Council, Friends of Irish Freedom.

John H. H. McNamee, Boston, Mass., banker and manufacturer.

Hon. Edward W. Quinn, Cambridge, Mass., mayor of Cambridge.

Richard Dwyer, national vice president Ancient Order of Hibernians, South Boston, Mass.
Paul F. Spain, Cambridge, Mass., treasurer bench and bar committee, Boston, Mass.
James A. Dorsey, Boston, Mass., chairman finance committee, bench and bar committee, Boston.
Michael L. Fahey, Boston, Mass., secretary committee bench and bar.
Daniel H. Coakley, Boston, Mass., chairman committee bench and bar.
Joseph C. Pelletin, Boston, Mass., bench and bar committee.
Edw. F. McSweeney, Framingham, Mass., member national council, member advisory committee, Boston.
John J. McDonagh, New York, N. Y., delegate from the Archbishop Plunkett branch, Friends of Irish Freedom.
H. Miller, New York, N. Y., Archbishop Plunkett branch, Friends of Irish Freedom.
James E. Deery, Indianapolis, Ind., national president Ancient Order of Hibernians.
E. F. White, Chester, Pa.
Rossa F. Downing, Washington, D. C., Washington branch, Friends of Irish Freedom.
Wm. J. Boyle, Central Labor Union of Philadelphia, Pa.
N. J. Sinnott, Member of Congress from Oregon.
Daniel J. Moran, Lynn, Mass., recording secretary and director of publicity.
(Mrs.) Honor Walsh, Germantown, Pa., editorial staff, the Standard and Guild.
Robert E. Ford, New York, N. Y., editor Irish World.
Patrick King, Catholic Young Men's Union, Philadelphia, Pa.
Patrick Fitzgerald, United Irish Societies of Western Pennsylvania.
Patrick Cronin, Duquesne University.
Thomas Lee, New York, N. Y.
William J. Noonan, 37 Raleigh Avenue, Richmond borough, City of New York.
Thomas Rock, Central Federated Union, New York City.
Louis D. Kavanagh, president of Irish Self-Determination Club, Omaha.
James O. Reilly, Philadelphia, Pa.
Joseph McGarrity, Philadelphia, Pa., chairman Irish Volunteer Committee.
John J. Liddy, Indianapolis, Ind.
William H. Foley, Indianapolis, Ind.
P. J. Conway, president Irish-American Athletic Club, New York City.
John H. Dooley, 535 West One hundred and twenty-first Street, New York, N. Y.; representative position, National Executive Committee, New York City.
Annie Lester Lyons, delegate Yorktown branch, F. O. I. F., Norfolk, Va.
Lawrence Craddock Lawless, delegate Yorktown branch F. O. I. F., Norfolk, Va.
Margaret Elward Lawless, delegate Yorktown branch F. O. I. F., Norfolk, Va.
James C. Gordon, president Yorktown branch F. O. I. F., Norfolk, Va.
M. J. Lyons, vice president Yorktown branch F. O. I. F., United States deputy marshal's office, Norfolk, Va.
Henry McNally, president of Patrick Henry branch, Friends of Irish Freedom, Girard, Ohio.
Thomas F. Martin, secretary of state of New Jersey.
John Mannix, Glens Falls, N. Y.
Patrick O'Hagerty, Springfield, Mass.
Patrick J. Kennedy, Glens Falls, N. Y.
Rev. Joseph O'Keefe, Akron, Ohio.
J. B. Shannon, Kansas City, Mo.
Casinn J. Welch, Kansas City, Mo.
Martin Owens, Newark, N. J.
Rev. Thomas J. Hurton, Philadelphia, Pa., St. Enda's Gaelic School and St. Edna branch of the Gaelic League.
H. J. Phillips, Philadelphia, Pa., Robert Emmet branch, Friends of Irish Freedom.
J. T. Lawler, Norfolk, Va., member national committee, Friends of Irish Freedom.
Hugh Montague, Passaic, N. J., general contractor.
Roderick J. Kennedy, clerk Supreme Court State of New York.
D. J. Lawless, Marcellus Falls, N. Y.
R. E. O'Malley, Michael Davitt branch, Friends of Irish Freedom, Kansas City, Mo.

J. D. Turner, Baltimore, Md.
W. C. Walsh, Cumberland, Md.
Joseph B. Fitzgerald, member Wolfe Tone Club, Jersey City, N. J.
Jerome O'Keeffe, Jersey City, N. J.
John G. McTigue, New York, N. Y.
R. T. B. Kelly, Gardner, Mass.
James Tumulty, 646 Bergen Avenue, Jersey City, N. J., president of Wolfe Tone Club, Jersey City, N. J.
P. J. O'Donnell, Detroit, Mich.
D. Lynch, Utica, N. Y.
Miss Margaret Bowers, New York, N. Y.
John B. Burke, Gary, Ind.
William J. Maloney, Gary, Ind.
M. C. Ford, Oklahoma City, Okla.

Senator BRANDEGEE. Mr. Chairman, I suggest the absence of a quorum. I would like the record to state the names of those present.

The CHAIRMAN. The clerk will call the roll.

The clerk called the roll and the following members answered to their names: Senators Lodge, Borah, Brandegee, Fall, Knox, Harding, Johnson, New, Moses, Swanson, and Pittman.

The CHAIRMAN. There are 12 Senators present, a quorum. Judge Cohalan, you may put on your next speaker.

Senator BORAH. Before that is done, Mr. Chairman, I want to make a suggestion with reference to the gentlemen who are still to address the committee. The argument has been made by the advocates of the league and by some of our colleagues that under the league of nations Ireland would have a better opportunity or a better chance of having her affairs settled in harmony with her aspirations than without it. You gentlemen having kept close tab, undoubtedly, upon the debate along that line of argument, will appreciate what I say. I would like to have some one address his attention to that feature of the question.

Judge COHALAN. That will be done during the course of the hearing. Mr. Chairman, I want to put in the record a memorial, with certain figures.

The CHAIRMAN. They will be printed, and as our time is limited, we will not take the time to read them now.

Judge COHALAN. Very well. Mr. Chairman, I am also going to file Ireland's declaration of independence along with other official documents, and some extension of my remarks.

(The extension of Judge Cohalan's remarks and the declaration of independence referred to are here printed in full, as follows:)

The great trouble with the mass of the people of America on the question of Ireland is their viewpoint on the Irish question. Without intending to be unfair, they take for granted the justice of the English view. They find England, largely the mistress of the world and in many ways admitted to be the leader of modern civilization, in possession of Ireland.

They find, according to histories mainly written by England's friends, that she has been thus in Ireland for centuries, and they take it for granted that she must be there legally; that she is there as a matter of right. They take for granted, too, that in the evolution of civilization, in the making of history, that conditions required her to be there, and that England's claim to the overlordship in Ireland is a valid and just claim.

This view is strengthened by all the literature which most Americans ever read. The so-called English literature with which Americans come in contact usually rates England as the one great power which, through the centuries past, has been carrying aloft the torch of justice and progress into the dark corners of the world. So, it is not to be wondered at that many Americans are prone to think of England as the guiding star of civilization, educating and

lifting up downtrodden, suffering people that have been tyrannized over by their national tyrants.

This is the view of England that Englishmen like to have the world take of their country. Because of this viewpoint, it is extremely difficult to get before the American jury—fair as it intends to be—the actual facts of history, not to speak of the present-day conditions as they exist in Ireland.

THE DOMINATING FIGURES IN ENGLAND.

The ordinary American, accustomed to giving almost all of his time to a study of the internal conditions of his own country, so far as his interests leads him on, has not learned to differentiate between the England which is and the England that, according to her writers and poets, seems to be.

He has not come to understand that the English democracy of which he hears and reads so much has little reality in fact, and that England still continues to be governed by a handful of men, representing, with but few exceptions, the same small group of titled land-controlling families that have governed England since the days of Henry XIII, if not, in fact, much longer. Since the downfall of continental aristocracies this is true of England more than of any other country.

The dominating figures in England to-day—those in actual power—are the Cecils and their relations. Lloyd-George or some other figure that has come to represent democracy or radicalism, if you will, in the eyes of the world, is put forward as the premier of governing authority. But the will that dominates, controls, and finally directs the policies and actions of England is that of the master spirit Cecil, no matter which member of that family or its connections it may happen to be.

In the last generation it was the Marquis of Salisbury, former premier of England, the man who said, some forty years ago, that England and America were natural rivals in every court and in every port; the man who more than any other—with the exception of Joseph Chamberlain, the great radical who ratted and joined the forces of conservation—was responsible for the destruction of the two little Republics in South Africa.

It was this same Salisbury who said, in the days when the Irish were carrying everything before them in the Parliamentary fights in the House of Commons, that the Irish were no better than the Hottentots and should receive the same treatment. It was the same man who represented England in the Congress of Berlin and of whom Bismarck said—because he quit when opposed by superior force—that he reminded him of a lath, painted to look like iron.

Salisbury was aided and was succeeded by his nephew, Arthur James Balfour, who became Premier of England, first Lord of the Admiralty, and a number of other high-sounding things, but who has never been able to wipe out the title of "Bloody Balfour" conferred upon him by the people of Ireland when he was chief secretary for Ireland, and, among other things, ordered the shooting, if necessary, by the troops, in cold blood, of the defenseless, unarmed people of Mitchelstown.

Balfour is still to the fore and is probably the chief governing force in England to-day, except in so far as he is displaced by his cousin, Lord Robert Cecil, son of the Marquis of Salisbury and father of the proposed League of Nations—which would, if it became effective, undo the work of the revolution and put us in the position of again being a vassal state of England, subject to the control of the Cecils or any other landed aristocracy that might, in the future, control the destines of England and the world.

These are types of the men who dominate England, and, through her, control the British Empire. The little King George V, first cousin to the late Emperor of the Germans and the Czar of the Russians, at present represents the German royal family as King of England and Emperor of India.

He rules over every third person on earth and over almost every third square mile of land on earth. He is actually master of all the seas and is at the head of a government more powerful than any which ever before existed in all the history of mankind.

Englishmen like to say that King George reigns but does not rule. That is true. The real ruling force is that handful of aristocrats who represent the landed feudal aristocracy of England and who form the most absolute, most arbitrary and most powerful autocracy the world has ever seen.

ENGLAND MAKES OTHER NATIONS SUPPLY THE SOLDIERS.

The history of England differs from that of every other country. No other country before her has reached her dominant place among the empires of the earth. Rome approached nearer to England than did any other country in similarity of methods by which she acquired world control. Her imperial motto, "Divide et Impera," marked the policy by which she subdued almost the entire world of her day and ruled the known world without a rival for centuries.

But Rome acquired most of her power through her own soldiers. The generals who led her armies to victory were of Roman blood; the soldiers who swept everything before them on the field of battle were Roman legions, who found few who could stand before them. They risked their own lives, their own blood, for the quarrels of their country, in order that her will might be imposed upon other countries.

England has improved on all this. She follows the Roman motto, but because England leaves the control of the policy of her government in the hands of her diplomats, other nations, other races, are made to supply the generals who win the battles, and the soldiers who bleed, in order that England may grow great.

ENGLAND'S POLICY TAKES ADVANTAGE OF FRIEND AND FOE.

The policy which had its beginning under Henry the Eighth has been consistently carried forward, subordinating every other interest to that of the growth of England and the extension of her power. It has been carried on through all the ages by every government which comes into power in England, no matter what its domestic policy may have been.

Englishmen may differ upon domestic problems—upon questions of taxation, of education, of religion—but as against all foreigners they are a unit and their policy is always consistently to take advantage of all openings given them throughout the world, to make and unmake alliances, to make and break treaties, to take advantage of friend and foe in order to add to the wealth and power of England and to break down those who have stood against her.

One of the results of this policy is seen to-day in the proud boast of England that the sun never sets on the British Empire. Her flag flies in triumph over territory in every continent and in most of the important islands of the seas. It is carried aloft as the flag controlling the power of every sea of the world.

Her forts guard practically all the great narrow waterways of the earth, with the exception of the Panama Canal. Yet here, by reason of her extraordinary influence over American legislation, England has acquired for her commerce all the rights and privileges enjoyed by American commerce, although the Panama Canal belongs to us, was built by America and paid for by America's treasures.

MOLDING PUBLIC OPINION OF THE WORLD.

Another and, if possible, more important result of this policy of England is the extraordinary control she has gained over public opinion in every country in the world. Her soldiers have won battles for her on land, her admirals have won fights at sea, but these are as nothing when compared to the triumph of her diplomats. No group of men in the history of the world can compare in skill, in adroitness, in finesse, in influence, with the diplomats of England.

The visible British Empire is an external monument of their triumph, but the invisible British Empire, with its control of influences in every government on earth, its thousand and one ways of making opinion through the press, the magaznes, the pulpits, the schools, of every race and in every clime, is a vaster, more far-reaching monument of their finesse, their adroitness, their ability to make black seem white.

The Romans were satisfied with their triumph at arms. When their soldiers had beaten down those of the opponent, the generals and princes of the vanquished were brought to Rome and made to walk sub jugo through the streets, chained to the wheels of the chariot of the Roman Consul.

The English diplomat, more skilled in human nature, more subtle, more far-reaching in his plans, is not satisfied with such outward marks of triumph. He carries on a campaign throughout the world, to justify his actions, and, if possible, to ease his own conscience. As an example:

ENGLAND ATTEMPTS TO DESTROY THE SOUL OF IRELAND.

Even though England by brute force has been in possession of the body of Ireland for centuries, the English diplomat continues his fight to destroy the soul of Ireland. Even though he has proclaimed, at the birth of each succeeding generation, that he has again conquered Ireland, he still keeps looking in vain for a declaration from the people of Ireland that they have been conquered.

He tells himself that he has beaten the Irish because of the thousand and one cruelties he has practiced upon them, but he knows in his heart that he can not conquer the Irish people while one man and one woman of Irish blood survive.

He knows—if the world does not know—that the people of Ireland want absolute independence. He has been able with a thousand subterfuges to confuse the thought of the world on the question of what Ireland wants, but he can not deceive himself.

The Balfours and Cecils of this generation know, as well as Burleigh, their relative, in the days of the reign of Elizabeth knew, that what Ireland wants is to have England get out of Ireland, bag and baggage, and leave the people of Ireland to govern their own country in their own way.

IRELAND IS UNITED FOR ABSOLUTE INDEPENDENCE.

In the last analysis, the question between England and Ireland is simplicity itself. There are two nations, each of which wishes to rule, govern, own Ireland. One is the Irish nation, to whom Ireland belongs, for whom it was set apart by God Almighty Himself from all the rest of the world.

The Irish people have dwelt in Ireland for thousands of years, distinct and separate in a hundred ways from all other peoples, set apart in nature, in thought, in language, in custom from the rest of the world, marked by the hand of God with an individuality all their own.

The Irish people have their own strength, their own virtues, their own gifts, their own weaknesses, but differ from and are different to any and all other races of men. The Irish people have absorbed all other strains of blood that have gone into the strange country of Ireland so as to have made strangers who have gone there, after a few generations, an integral part of themselves, or, as an old writer phrased it, "more Irish than the Irish themselves."

The other nation that wishes to own, govern, and rule Ireland is the English nation, belonging to England but foreign to Ireland. A nation of great gifts, great failings; a nation that may yet, in the providence of God, reach the point where it can be made to see that it will be greater to conquer themselves than to conquer a city or a world; greater to bring peace, contentment, and opportunity for decent living, not to some portion of itself but to all its people, so that it may not be said in the future, as it was said in the past, in a recent report of a British commission, that one-third of the people of England did not have a week between themselves and starvation.

IRELAND ONLY WANTS WHAT BELONGS TO HER.

If the question between Ireland and England were between two individuals, no jury sitting in any part of America would have any difficulty in disposing of the matter. Ireland does not ask anything of England except to be let alone. She wants only what belongs to her. She wants only that which was her own. She wants to govern herself and her own people in her own way, according to her own standards, and with absolute religious freedom and political equality for all of her children.

Ireland does not ask one inch of territory that is not contained within the four seas of Ireland. She does not ask to impose her will upon a single person who dwells beyond her shores. She appeals to the free people of the earth for the opportunity to go her own way, in peace and harmony with all the rest of mankind. She offers not alone to forgive, but so far as she can, even to forget past dealings with England and to dwell in peace and amity and concord with England as a neighbor.

But she refuses, as she has refused for 750 years, to permit the stranger—England—to govern her, to control her resources, to shut her off from contact with the other nations of the earth, to keep her out of her high place among the nations. She says, with the voice of a united people—not in a quarrelsome way, but in the quiet voice of reasoned judgment—that as she has fought for

750 years for her independence, so she is prepared to fight, if necessary, as long again in order to attain that independence, and to resume her place among the independent nations.

Her sons say for her, quite calmly, with knowledge of the fact that though scattered all over the world, they yet remain a great race, that England with all her power, with all her subtlety, with all her barbarity, can not destroy them or wipe them out. That the fight which England waged through so many centuries can only end when England shall withdraw her last soldier from Ireland and leave that country, which she has been robbing for centuries, to govern and rule herself.

The diplomat of England has succeeded in many parts of the world as has no other diplomat in the history of mankind, but he has failed in Ireland as absolutely and completely as any diplomat has failed in other parts of the world.

It may be said without exaggeration that England has tried for centuries every form of tyranny, of cruelty, of inhumanity in her treatment of the people of Ireland. Her chief spokesman, Lloyd-George, admitted in the House of Commons last year that England had made an absolute failure of her government of Ireland, and that to-day she was as unpopular with the mass of the people of Ireland as she was in the days of Oliver Cromwell.

BELGIAN ATROCITIES DUPLICATED A HUNDRED-FOLD IN IRELAND.

In the early stages of the late Great War, the world was made familiar with the story of the treatment the Belgians received in their own country at the hands of the invaders. It was but the recital and summary of England's treatment of Ireland. Not an atrocity was charged against the Germans in Belgium, not a cruelty was practiced, not a crime committed, which could not be duplicated one hundred-fold in England's treatment of Ireland.

Proof of this fact need only be taken from the admissions of English historians; from the declarations of English statesmen—the only difference between Belgium and Ireland being that the atrocities in Belgium extended over a period of three or four years, while the atrocities of England in Ireland have extended over the centuries.

Belgium to-day, with a chorus of thanksgiving from all over the world, has resumed her place among the free nations of the earth and is to be indemnified in so far as money can indemnify a suffering country for losses sustained.

Ireland to-day, after seven and a half centuries of greater suffering still lies prostrate at the feet of England, while English statesmen, with a smug hypocrisy all their own, dilate with well-stimulated astonishment on the dreadful fact that England can not leave Ireland to be governed by Irishmen, because, forsooth, the Irish can not agree politically among themselves.

NO SUCH POLITICAL UNANIMITY EXISTS ELSEWHERE IN THE WORLD.

The fact is, however, that there is in Ireland to-day a degree of political unanimity greater than exists in any other country on earth—very much greater than that which exists in England, where Lloyd-George and his confreres are kept in power through a political coalition between eight different groups, and much greater than exists in our own country.

Ireland is the only country in the world in which a plebiscite has been taken since the armistice was declared last November. The result of that plebiscite was that the people of Ireland, by a vote of more than three to one, declared in favor of absolute separation from England and in favor of the establishment of an Irish republic.

This was on the 14th of last December. On the 21st day of January of this year the elected representatives of the people of Ireland met in convention at the Mansion House in the city of Dublin, declared the existence of the Irish republic, and made an appeal to the free peoples of the earth for its international recognition.

In furtherance of that appeal, Eamon de Valera, president of the Irish republic, and several members of the Dail Eireann (Irish congress) are now in this country. They seek to lay before the people of America actual conditions as they exist in Ireland to-day. They ask a hearing in order that America may understand that what the people of Ireland are asking is full recognition of their status as a free and independent people.

They seek not some redress of grievances, large or small, but they demand that England take her grip off Ireland and leave the country to be governed by its own people in its own way. The opinion of America has been aroused within the last year as it never has been before in favor of Ireland.

ENGLAND AIMS TO CONFUSE THE ISSUE.

But the English diplomats with their accustomed skill are seeking to confuse the issue, to prevent our people from getting a clear understanding of what is at stake between Ireland and England.

It is their task, their duty at this time, not to simplify but to complicate the issue; not to clarify, but to confuse the situation. Because of that, there appear in a hundred forms, a hundred suggestions from England as to a way out of the difficulty.

One group talks of Dominion home rule, while others talk of a dozen varieties of the same form. Carson talks of having conditions remain as they are, while Smuts—the "slim" South African who believes all peoples should continue to be swallowed up by the British Empire—comes forward with that latest suggestion that Ireland should receive the same recognition as that given to Bohemia.

But all ask for Ireland something which England wants—none offers to Ireland that which Ireland demands; because at bottom—let them explain as they may—in any one of the hundred devious devices English statesmen and historians have used in attempting to explain it—the fact is that England remains in Ireland for England's profit, security, and power, and does not intend to get out of Ireland until she is persuaded, either by force or by the prospect of greater profit in some other form, that it is to her interest to do so.

England says she remains in Ireland only for two reasons: First, because Irishmen can not agree politically, and, second, because Ireland can not financially stand alone. Neither statement has the slightest foundtion in fact.

PLEBISCITE TAKEN IN DECEMBER REFUTES FIRST CLAIM.

The plebiscite taken in Ireland last December, under the most adverse conditions, shows that the people of Ireland have reached a degree of political unanimity practically without parallel. With the great English army of occupation and with all the machinery of the Government in possession of the English garrison, the people of Ireland, by a vote of more than 3. to 1, decided in favor of total separation of Ireland from England.

According to the standard American histories, Washington and his associates were never able to rally to their support more than a majority of the colonists, if, in truth, they ever had so large a proportion of the colonists on their side.

Even in the so-called convention presided over by Sir Horace Plunkett and hand picked by Lloyd George, there was a majority of 40 to 29 in favor of the proposed plan then given, which would have gone beyond the scheme of so-called settlement now proposed by many responsible spokesmen for England. This is the more remarkable when it is considered that a large number of the members of that body were selected by Lloyd George and his associates for the express purpose of having them fail to agree to any settlement.

If the situation were not one of so much importance it would be farcical to hear Lloyd George talk about the failure of the Irish to agree, when he himself remains in power in England, through a coalition made up of eight different groups, and was the direct cause of the so-called failure to which he refers.

ENGLAND REMAINS IN IRELAND FOR HER OWN FINANCIAL GAIN.

England dares not to say that she remains in Ireland, because Ireland can not financially stand alone. This, in spite of the fact that last year England made at least $225,000,000 from her control of Ireland. She collected from Ireland and on Irish goods, during the preceding year a revenue of more than 34,000,000 pounds. She spent on what she is pleased to call the "government" of Ireland, about 13,000,000 pounds, leaving a profit to herself of 21,000,000 pounds, an equivalent of about $105,000,000 profit gathered to herself through taxation of Ireland.

Ireland did with the rest of the world the previous year a business of $820,000,000, according to Sir Horance Plunkett, though other spokesmen for England say this estimate is entirely too low. Of the foreign business done

by Ireland, more than 95 per cent was done with England. Why? Because England has so completely cut Ireland off from the rest of the world that she is unable to send goods abroad except through England, or to buy abroad except through England, thus being compelled, against all economic law, to sell in the cheapest market and to buy in the dearest market.

It is only fair to presume, as a result of this, that the English tradesman, who is as shrewd, as adroit, as far seeing in his own field as is the English diplomat in the field of Government, made a profit of at least 15 per cent on the turn over of this business with Ireland.

Ireland thus gives to England, in addition to the taxation, the profit of $120,000,000, thus making for England in a single year a profit of vast proportions—a profit of $225,000,000 from her control of Ireland. That sum represents 225,000,000 reasons why England wishes to remain in Ireland. She is there as a matter of profit. She is there as a matter of interest. But above all other reasons, strong and selfish as they are, England remains in Ireland because she regards her continued control of Ireland as vital and essential to her continued control of the seas.

ENGLAND USES IRELAND FOR A GREAT DAIRY FARM.

Much has been made by the spokesmen of England of the claim that Ireland must remain attached to England because England is the chief market for Irish goods, and the country through which Ireland's commerce with the world must be carried on, if Ireland is to seek a world market.

No more damning indictment could be brought against England than is brought by this bit of English propaganda. The simple outstanding fact is that England does not buy one dollar's worth of goods from Ireland which she cou'd buy cheaper in any other part of the world. Further, because of her absolute control of the seas of the world, and of her economic contact with every other country on earth, England does not sell to Ireland one single article, no matter how insignificant, for which she could find a better price in any other part of the globe.

England uses Ireland for a great dairy farm, a broad grazing land, in order that food may be provided at the lowest possible price, for the teeming millions in the industrial centers of England. She uses Ireland as a dumping ground for the excess products of her factories—excess products which are turned out by her manufacturers either to meet special competition in some other country or in order to keep her industrial workers employed so that they may not have time to think too much about the grievances and the industrial problems that lead to revolution.

ENGLAND DESTROYED THE POPULATION OF IRELAND.

The world recently rang with English propaganda in the form of stories of the tyrannies of the Czar of the Russias and of the government of the Central Empires. These empires have gone, and properly gone, the ways of every other tyrant of past history, but the fact remains that at their worst these powers did not keep the population of Alsace-Lorraine, of Schleswig-Holstein, of Galicia, from greatly increasing in numbers and in prosperity.

Nor did the brutalities and outrageous excesses of power of the successive Czars of the Russias prevent Russian Poland from growing greatly in population and in wealth. Yet in the 70 years from 1845 to 1915, the population of Ireland, under what English spokesmen are pleased to call the benign reigns of Victoria, of Edward VII, and of George V, has decreased from more than eight and three-quarter millions to 4,390,219.

GOVERNMENT-MADE FAMINES TO DESTROY THE PEOPLE OF IRELAND.

In that time, in spite of the cruelties and misgovernment practiced upon the people of those continental countries, no charge has been made and has been proved—as in the case of Ireland—of a government-made famine in which more than one million starved to death in a land of plenty, and another two million were sent across the seas to seek in foreign countries an opportunity to live, an opportunity of which they were deprived in their own land by reason of the inhumanity of an alien government.

England has systematically broken down every effort made to build up the industries, to develop the resources of Ireland, while her spokesmen sing in chorus that all the wrongs of Ireland are ancient wrongs and that Ireland is to-day governed by the same laws that govern England, and therefore the Irish people should be contented with their lot and cease to cry for liberty.

These assertions do not bear the slightest investigation of an impartial mind. Ireland has been turned into a grazing country by the laws of England and by acts of the English Government. The system of laws made for a highly complex industrial state like England are utterly out of place in a country whose main pursuit is made to be agriculture.

GREAT HARBORS OF IRELAND IN IDLENESS.

The shipping controlled by England cuts Ireland off from all contact with the rest of the world and keeps in idleness 20 of the greatest harbors of Europe. It prevents the modern development of the ports of Cork, Limerick, Galway, Sligo, and Dublin, ports which centuries ago were great trading ports, carrying on extensive commerce with the countries of continental Europe.

The railroads of the smaller and poorer country are controlled by the railroads of the richer and larger country, so that it cost until recently as much to send a barrel of flour across from Galway to Dublin as it would to send it from Chicago to Liverpool.

Most of the banks in Ireland are bought up or controlled by the banks of England, with the result that the deposits are not invested in Ireland for the development of its resources or the upbuilding of its industries, but are placed at the disposal of English manufacturers and business men to aid in their schemes for exploiting the rest of the world and beating down the industrial rivals of England in Europe and in the United States of America.

The Irish mercantile marine, which for centuries carried on a commerce with continental Europe and America, has been wiped out of existence by adverse English laws. It has been replaced only by ships which bring Ireland's goods to England and England's goods to Ireland in such a manner as to make the Irish market to all intents and purposes the private monopoly of England.

England, roughly speaking, is one and one-half times the size of Ireland in square miles. When the act of union was laid upon Ireland, January 1, 1801, the population of Ireland was almost 6,000,000 and the population of England was less thon 9,000,000. To-day, the population of England is over 36,000,000, and the population of Ireland, according to the latest English census, is 4,390,219. At the same date which marks the application of the act of union to Ireland, the population of Scotland was 1,700,000, while to-day, for the first time in history, it is larger than the population of Ireland.

IRELAND VICIOUSLY MISREPRESENTED ABROAD.

If Ireland had been satisfied to become the contented province of England and to abandon her fight for liberty and her desire for independence; if she would consent to become absorbed into England, to become a part of the English people, she would undoubtedly enjoy a prosperity that would mean all that the word implies.

It is because of the fact that she will not consent to such an arrangement, it is because she regards the ideal as of more consequence, even in this life, than she does the material, that Ireland must continue to be misrepresented abroad. If England has her way, her rule will continue in Ireland until that day and that generation when the British Empire, following all the other mighty empires of the past, shall hear the hour of her doom strike and shall be compelled to give way to the onward march of events which will carry its end into the mighty empire and bring freedom to the peoples all over the earth who are oppressed by it. Thoughtful observers the world over agree that that day is not far distant.

England has time after time overrun Ireland with her armies, with her confiscators, but she has never conquered Ireland, and unless all signs by which the future may be gauged fail, she never can conquer Ireland.

To-day England faces an Irish race scattered all over the world, totaling 30,000,000 of people. She may boast that the sun never sets on the British Empire, but she must also admit that it never sets on the man of Irish blood. Wherever he has gone, into whatever country he may have been absorbed, he remains distinctively hostile to the British Government and the things for which that Government stands.

He was, as American historians tell us, the first to raise the banner of revolt against England in this country. According to that scholarly volume, 'Hidden Phases of American History," by Michael J. O'Brien, 38 per cent of the rank and file of Washington's Army were Irishmen or sons of Irishmen—the most determined, the most unfaltering enemy England had in America.

He harbors no enmity against the English people. He pities rather than condemns them for the injustice under which they suffer. He understands the economic slavery which is imposed upon them—but he is the untiring, the unfaltering, enemy of the conscienceless chicanery and corrupting materialism which are the chief weapons of English diplomacy.

AMERICA WAS LED INTO THE WAR TO PUT AN END TO AUTOCRACY.

England may control statesmen, she may thunder from the pulpits and she may speak through the impersonal editorials of the press in various countries. She may purchase poets, she may hire apologists, she may rewrite school histories, but ever and always there will be men rising up throughout the world to thwart her schemes, to prevent the consummation of her carefully laid plans, to point out the facts of history, and to arouse the liberty-loving people of the world to a realization of the fact that there can be no freedom on earth until the autocracy which hides behind the mask of navalism is as completely broken as was that which was covered by the garb of militarism.

England may succeed—as she has succeeded—in cajoling or outmaneuvering the spokesmen of free peoples at the conference of Versailles; she may write the terms of peace there as she wrote them at Vienna a century before—but she can not stifle the conscience of the world. She can not satisfy America with the assertion that the war has been won because German and Russian militarism has been broken.

America was led into the war to put an end to autocracy, and that means autocracy in every form. America entered the war to break down special privileges in all Governments and to see that not only militarism, but its twin sister, navalism, was broken beyond repair.

If America had not gone into the war it would have ended in an entirely different way. We threw our strength, our youth, our vigor, our idealism into the scales and we freely expressed our belief that when we won—for there was no "if" about it once we went into the war—there would be an end to autocracy.

We declared there would be self-determination for all peoples; that there would be freedom of the seas—that freedom for which America through all her history has contended and for which she waged one victorious war.

America won the war, Sir Douglas Haig's comments to the contrary notwithstanding. America threw her soul, her honor, her ideals into the winning of the war, and America will not now be satisfied until all the peoples of the earth gather in the fruits of that victory.

There can be no just or permanent peace if, after destroying one form of autocracy, we leave another form more strongly entrenched than ever and resting upon a firmer foundation. The plain people throughout the world will not rest while two great empires remain, their strength buttressed and fortified by a peace which able spokesmen of these empires, with superior courage, superior diplomacy, with greater skill, impose upon mankind.

America magnificently won the war. America has failed to make the peace. America's spokesmen laid down splendidly the terms of peace which were to satisfy the world and which were agreed to in advance by the spokesmen of England, of France, of Italy. But America's spokesmen have been outplayed, outclassed, by the veteran diplomats of the latter countries.

America was satisfied with the proposed terms of peace. She is utterly dissatisfied with the proposed peace treaty and its accompanying league of nations as drawn by Cecil and Smuts and now urged by the President of the United States as something behind which he may hide the discomfiture resulting from his encounter with the skilled diplomats of the Old World.

Gloss over the story as one may, the fact remains that out of the conference at Versailles there have emerged two great powers greatly strengthened—the island empires of England and Japan. These two empires are now seizing and taking to themselves the choicest spots on earth, adding tremendously to their already swollen power.

THE WAR, FOUGHT FOR DEMOCRACY, ENTHRONES AUTOCRACY.

England, whose spokesman assured us one hundred times during the war that she sought no territory, has had, in her own accustomed style, forced upon her "unwilling" shoulders huge strips of land which nominally belonged to the German Empire but which really belonged to their inhabitants. These people,

as the result of the war, are simply transferred from one group of exploiters to another, and a more experienced group.

Forty million Chinese Republicans were torn from their own country with the immense province of Shantung and turned over to the Empire of Japan, thus making it larger, in point of population, than the United States of America.

England, which, before we entered the war, on the visit of Balfour to Washington, was in the throes of despair and on the verge of defeat, can now proudly proclaim through her mouthpiece, Lord Cecil, that she emerges from the war richer and stronger, actually and relatively, than any other country on earth.

The war, fought for democracy, may end with a peace which greatly increases the power of autocracy. The war, fought to bring freedom of the seas, ends with England in unquestioned control of all the oceans of the earth. The war, fought to bring self-determination to all the peoples of the earth, has the doctrine of English pre-determination applied to some parts of the continent, in order temporarily to break up and permanently to cripple her European rivals. This doctrine is applied to Asia in such a way that the Japanese predetermination may apply to the continent of Asia to the end that she may eventually absorb China and be ready with her intimate ally and close friend, England, for any emergency that may arise in any part of the world.

THE TWO GREAT EMPIRES INSIST THAT AMERICA GUARANTEE THEIR POSSESSIONS.

Not satisfied with their own power to retain that which the self-satisfied and temporary spokesman for America has permitted them to absorb, England and Japan are insisting through Clause X in the proposed League of Nations that America shall guarantee for all time the present territorial integrity of the two remaining empires on earth.

One little knows the fierce passion for democracy which burns in the breast of the average American if he thinks that such a scheme will ever succeed. For 143 years, America has been fighting with ever-increasing vigor the battle of democracy.

America has ever been to the forefront in the struggle for human rights. She has sought to put an end in every way to the special privileges of the few. She favors the rights of the many and she will not now permit any man speaking for her to reverse her position, to destroy her old ideals, or to prevent her from carrying on the struggle until democracy shall finally triumph and the last stronghold of autocracy be destroyed.

SHANTUNG A MONSTROUS ACT.

The transfer of Shantung with its 40,000,000 people from the great young democracy of China to the absolutist Empire of Japan is a monstrous act, indefensible, high-handed, un-American. The attempt to have us guarantee the territorial integrity of England and Japan is a monstrous and a cowardly act, an attempt not alone to truckle to the strong but to trample upon and destroy the rights of the weak. It would make us a party to every act of tyranny that hereafter was perpetrated throughout the world.

But history shows that even if it were possible for the great Senate of the United States to be false and recreant to its trust a thing like this could not be permanently done. It is asking us to do the impossible. All history teaches, all experience shows, that nothing is static in nature, that it is impossible for one generation to so impose its will on the world as to prevent a change in the boundaries of countries or in the fortunes of nations.

THE LEAGUE OF NATIONS AND THE HOLY ALLIANCE.

A century ago a "holy alliance" undertook to do the very thing that is again being attempted to-day, but not only is the "holy alliance" referred to nowadays by words of contempt and contumely, but the very governments which brought the treaty into existence are themselves but memories.

The old or little men who for the moment from time to time control the destinies of mankind may think themselves able to stop the progress of mankind and impose their wills upon advancing generations. But history shows that even the few great outstanding figures in the history of the centuries were not able thus to act for the future. And the last half century, with its seven great empires thrown into the discard, shows how fate laughs at the puny efforts of man to govern the future or control its destinies.

The world is just entering upon a great era of growth and reconstruction, yet this is the time when an old man, an older man and a very old man in whose hands fate seemed for the moment to have whimsically placed the strings of the future, chose to abandon the high-sounding battle cries upon which the war was waged and won, and to make another ill-conceived and badly executed balance of power under the name of the league of nations.

To do this, Clemenceau has tried to turn the wheels of time backward, tried to go back to the Europe of Louis XIV, breaking down the great peoples of the continent who outnumber and outbreed the French, and to set up, all over the continent, a series of buffer states that would prevent the growth of strong rivals to France, and leave her in the position of being the dominant military power of the continent.

England, running true to form, is entirely contented for the moment to have France resume her old place among the nations, so long as she may see her economic rivals on the continent broken into bits and reduced to the position of impotence and poverty.

England herself, true to her predatory instincts, seizes in the name of civilization and justice, territories almost continental in area, rich in mineral and other natural resources, to be added to her already immense empire. She emerges from the war not only the greatest empire in extent that the world has ever known, with a monopolistic control of articles essential to the comforts and conveniences of mankind, but, through her unquestioned control of the seas, she will strive for a practical monopoly of the commerce of the world.

England emerges from the war with but one economic or industrial rival upon earth, these United States of America, whose public opinion she flatters herself that she controls and whose activities she at least has been able to guide so far as to make us forgive, if we did not forget, our previous experience with her.

ENGLAND SEEKS TO FLATTER AMERICA.

Tossing everything into the scales in the last great contest in which she broke, at least for generations to come, the continental industrial rivals which were ousting her from the markets of the world, England has won decisively and absolutely, as far as empire is concerned, and now looks with complacency upon the task before her of cajoling and flattering America.

Meanwhile she carries on an economic war against us which will shut us out from the markets of the world, and which will gradually put us on the defensive in the fight that England is waging to recover the financial supremacy of the world, which she fondly believes we have but momentarily taken from her.

One plea that she has made calls attention to her tremendous sacrifices in the contest which she keeps reminding us was fought for our safety as well as for her own interests, and which many of her spokesmen, like Sir Douglas Haig, now remind us, since she is no longer in danger, was won by her and not by us.

England is shutting out the products of our manufacturers from her territories and so far as possible is shutting out our commerce in every corner of the globe and is depending upon her control of the seas to eventually shut us out from most of the foreign markets and leave us in the position where our manufacturers must be content to sell their products in so much of our own markets as Engand may choose to leave to us.

This is in no sense an exaggeration of what she seeks and of what she hopes. She relies upon the skill of her diplomats to bring this state of affairs about. She has very largely monopolized rubber, wool, and other essential products of the world. She is seeking every day, with ever increasing chances of success, to monopolize the oil fields of the world, while all the time, with sophisticated casuistry, she keeps, through a chorus of a thousand voices raised in the press, the pulpits, and the schools of America, assuring us that she alone in all the world is our constant friend, that but for her and her chivalrous, unselfish efforts we would have been overrun by some of the continental powers which were seeking this very world power which she now possesses to the full.

She would have us believe that she fought unselfishly in the war for the very purposes for which our President says we entered the war, yet her first act after the war was won by us to say that the doctrine of the freedom of the seas could not be even considered at Paris, and utterly unconsidered it was and still remains.

She said she favored self-determination for all oppressed peoples and agreed with the President when he said that no people must live under a government not chosen by themselves. She must cynically smile to herself when she has

the peace conference practically adjourn after having, with the help of that self-determination cloak, broken her rivals into pieces without any effort having been made to apply that doctrine to Ireland, to Egypt, to India, or to any of the other countries of which she is in possession with only the title that a robber has to his prey.

ATTEMPTS TO MAKE OVER THE MAP OF THE WORLD IN THE DARK.

She said she favored open covenants of peace, openly arrived at, and yet the "Holy Alliance" did not attempt to make over the map of the world with the same secrecy behind which these three gentlemen hid themselves at Paris. And so one might go through all of the points and find that English skill had escaped or English cynicism in arousing mankind to save England, but which were in the way when an English peace had to be made.

The Englishman has a genius for diplomacy. Not content with being saved from destruction, not content with unprecedented gains in territory, in wealth, in prestige throughout the world, he now seeks to undo what he regards as mistakes of the past and to recover by mental ability that which he lost a century and a half ago by force of arms. In his self-satisfaction, he takes no account of the fact that the thirteen colonies, if they had continued as colonies, could not have begun to save him as the forty-eight States did actually save him, as he himself must admit.

ENGLAND AIMS TO UNDO THE WORK OF THE REVOLUTION.

He wishes, now that his peril is for the moment past, to undo the work of the Revolution, to destroy the great experiment in government which the fathers set up upon these shores, and by one stroke set back the hands on the clock of time for centuries. He wishes to do this in order that the special form of privileged autocracy which governs England may regain control of this country, and with its mighty strength and unlimited resources bring about that junction of the English-speaking races which his agents like Carnegie and Rhodes have foretold and for which they have labored for two generations.

He has hoped, because of his easy control of things at Paris, that he would find that the dead hand of Rhodes had actually won the victory. But he was astounded to find not alone the Senate of the United States standing like adamant against the proposed league of nations, but the public sentiment of the people of America, aroused as never before, not only to defend American rights, but to do what he complains of as an insolent thing—to interfere in "domestic" problems of English politics.

WASHINGTON STILL THE SEAT OF THE AMERICAN GOVERNMENT.

He is horrified to find that in spite of huge expenditures, that in spite of the British propaganda of Northcliffe, Parker, and others of that ilk, America refuses to be made again into a colony, and that interest in the freedom of the seas has been aroused in America as never before.

He had been brought to believe during the pressure of the war that American public opinion was only the echo of English public opinion, and is astounded now to find that his complete victory at Paris is likely to be turned into complete defeat at Washington, where, in spite of his hopes to the contrary, and to his utter consternation, he finds the real seat of American government still continues to be found.

THE REAL STRENGTH OF ENGLAND.

England, while hastening to assure us in a hundred ways that she had no selfish interest to serve in asking to have the league of nations made operative and the integrity of the British Empire guaranteed by the power and resources of the United States, has unwittingly shown her own weakness. More and more thoughtful observers throughout the world are able to read in that damand the real opinion of English statesmen as to their own strength.

As a flash of lightning in a storm enables the observer in a second to see his way through the darkness, so the request for such guarantee by Lord Cecil has revealed the real weakness of England, instead of the apparent strength which he and his group have been teaching us to observe.

It is at once made clear that the England which must call on the world to guarantee its possessions is in a bad way both at home and abroad. It is an

admission that it can no longer hope to call upon the strength of other countries in its hour of peril in order to preserve it, as it called the world into arms against France under Napoleon and against Germany under Wilhelm.

In spite of its censorship, the rumblings of industrial labor troubles with miners and transport workers and railway men are being heard in the land. The uprisings in India and in Egypt, the dissatisfaction in Australia and in Canada, and, above all, the settled determination upon the part of the people of Ireland to take at its face value the promises of Wilson, Clemenceau, Lloyd-George, and Orlando, and to insist upon absolute self-determination, are matters which are calling the attention of mankind to the fact that there is and there can be no freedom on earth while this distended and gigantic appetite called the British Empire continues to threaten and to prey upon mankind.

AMERICA IS AT THE PARTING OF THE WAYS.

The parting of the ways has come for America. Either we remain true to our ideals, true to the traditions of the past, still the moral leader of mankind and the hope of the oppressed people of the earth, or we join with the privileged class of England and become one of the predatory powers of the world.

Either we continue to lead the forces of republicanism, whether they oppose the central empires of the continent, the Czars of the Russias, or whether they stand against the Cecils and Balfours of England or the Mikado of Japan, and bring hope and cheer to the downtrodden people of Ireland, and we stand for the preservation of American rights or we join forces with Lloyd-George, that artful dodger of English politics, in his efforts to further deceive the people and put off until another generation the settlement of the question of Ireland. The question of Ireland, it must be remembered, can only be settled right when Ireland regains her independence and takes her place once more among the nations of the earth.

Like everything else human, America can not remain static. America must either advance or retire. It must continue to lead the forces of democracy in its onward march to absolute freedom, or it must join the forces of autocracy and seek to snatch liberty from the other nations of the world.

AMERICA IS ASKED TO ENTER INTO AN ENTANGLING ALLIANCE.

We are asked now to abandon the advice given us by our first, and one of our greatest, Presidents against entering into entangling alliances with other powers. Not alone should we refuse to abandon this advice, but we should more than ever make clear to the world our unfaltering determination to abide by it and to make it one of the fundamental planks in our foreign policy. By standing by it in the past we have grown great and prosperous, masters of our own destinies, arbiters of our own fate.

We have been free to enter wars and free to remain at peace, according to the exigencies of the hour and according to what we conceived to be our own interest and the best policy for the protection of the liberties of mankind. We have been free to govern our actions by the best light and information which we could obtain upon questions at the hour of action.

Our liberty of action has not been foreclosed by reason of any commitment made in advance by those who had passed off the stage of action or were no longer in a position to speak for the majority of the people of our country. In other words, we have always been in the position of being governed by the living will of the present, rather than by the dead hand of the past.

Not along every mandate of interest, but the high call of idealism should counsel us to remain in that position and not commit ourselves to any alliance which, obeying the passion and meeting the whim of the hour, could commit those who come after us to labors and sacrifices which they should not be asked to undertake except at their own free will and upon good cause shown to them at the hour of sacrifice.

We are asked now to be satisfied with a declaration of the Monroe doctrine, which according to many thoughtful observers, weakens and jeopardizes rather than strengthens that cardinal principle of American diplomacy. In this hour when a peace conference, called into existence for the purpose of making peace, did not content itself with settling the questions at issue between the belligerents, but went up and down the world seeking problems it might settle, we

should extend and strengthen, rather than weaken, the doctrine laid down by James Monroe.

We should insist that the Western Hemisphere be not invaded by any power from the East; that no old-world possessions held here are to be increased, and we should also insist upon the absolute withdrawal from this territory of the flag of every empire or monarchy.

THE BRITISH FLAG SHOULD BE COMPELLED TO FOLLOW THE OTHER FLAGS FROM OUR SHORES.

What is sacrosanct about the British Empire that it continues to rule vast sections of the American continent after all other empires have left its shores? The flag of Russia, of Spain, of Portugal, of Denmark have been withdrawn from this hemisphere. Why should we not now insist that the flag of England should follow the others and leave here in this hemisphere, dedicated for all time to liberty and republicanism, only the flags of the free?

Why should not our great neighbor on the north, which Cecil undoubtedly hopes some day to use as a weapon to smite us, should the economic war now being waged between the countries ever reach the acute stage of military or naval warfare, or if there ever should come a conflict between England's ally, Japan, and ourselves—why should not that great country have an opportunity of taking its place among the republics of the earth, or even, if it chooses, of joining our country and thus bridging the gulf which separates us from our great territory of Alaska.

The ties which bind the people of Canada to us are every day increasing in number and in strength. The ties of trade which bind us are natural and are varied in form. The Great Lakes that lie between us are not intended to separate us, but should, by a thousand ties of commerce, draw us more closely together. Great numbers of our people come from the same racial stocks and in the late war, according to reports coming from ever-increasing sources through our returned soldiers, our own soldiers found a dozen ways in which they resembled one another for every day in which either found that they resembled the British soldiers.

CHAMBERLAIN HAS SAID THAT AN ADJOINING REPUBLIC IS A MENACE.

Thoughtful observers in the United States as well as in Canada realize that our interests are in the Western rather than in the Eastern Hemisphere, and that the views of an ever-increasing number of Canadians with relation to the future of Ireland, the future of Shantung, are those of a majority of the people of America rather than those of the governing body of England.

The people of Canada are essentially a freedom-loving people, aside from what is pleased to call itself the governing class, which seeks for special privileges like the same class in England. Canadians desire liberty for themselves and would like to see the blessings of liberty given to every people.

More than that, if there be anything in the repeated declarations of Joseph Chamberlain in his attempts to justify the rubbing out of the two little republics of South Africa that republican institutions adjoining British territory were a menace to Britain, the governing class in England can look upon the continued existence of the American republic only as a menace to England and we have now the right to ask of her, having saved England, that as an evidence of her good faith in saying that she is a friend of liberty, that she withdraw her flag from this continent and leave it to be entirely dedicated to liberty and freedom.

MAN IS SIGHING FOR PEACE.

The late war aroused mankind to a realization of the fact that without regard to the boundaries of a country or the lines of race, war is a curse to mankind; that it takes not only millions of a generation to death and leaves other millions subject to sickness and disease as an aftermath, but it imposes on the future generations a back-breaking burden of taxation which means countless hardships and privations, while it brings only to the specially privileged peoples in every country immense fortunes which break down the foundations of liberty and sap the principles on which freedom exists.

Without regard to race or religion, man is sighing for peace. He realizes that war is an abnormal condition, that peace is the normal condition, and

men are seeking as they have never sought before, to insure a peace that will prevent and destroy war.

HOPES BASED ON PEACE CONFERENCE VANISH LIKE A DREAM.

Mankind lived in the hope that the peace conference was to be a setting for the ending of all wars. Peoples were to be taken from the thraldom of their aggressors, natural boundaries were to be established between States, armaments were to be destroyed, cannon were to be made into plowshares, and the fourteen points of President Wilson were to be made the basis of an enduring peace.

The peace conference has practically adjournd and all the hopes that were based upon it are passing into oblivion like the illusions of dreams. But the mass of mankind is more than ever insistent that there must be an end to human destruction and to the awful butchery and suffering that modern war spells for humanity. It has been driven into their minds that only by freedom to the oppressed of all nations can peace come, putting an end to the rule of the few and by bringing about government by the many, bringing at once liberty to man and an end to all war.

There may be for a short time a brief respite for those who remain in power, though they have deceived the people who have seen promises solemnly made, lightly broken. But no just or permanent peace can be made until the purposes to which the American people set their hands when they entered the war have been attained, until autocracy in all its forms has been destroyed, until not alone the militarism that was breaking the back of Europe but the navalism which is oppressing and controlling the whole world shall be destroyed and the right of self-determination shall be given, not alone to some, but to all the peoples of the earth.

A COURT OF NATIONS.

A court of nations will come in its own due time that will embrace all the people of the earth, that will see to it that all peoples are free, and that will see to it that the World War will actually bring a permanent peace. Such a court will exalt justice and will destroy tyranny, but it will be a real court, open to all peoples, and not an unreal league which is only another name for an Anglo-American alliance, a Cecil-Smus plan to exalt autocracy and enslave mankind.

Every red-blooded man favors such a court of nations as he favors the brotherhood of man and the counsel of perfection, but the more intensely he favors such an ideal the more he objects to and abhors the hypocrisy which would steal the ideal in order to cover a treaty of alliance that would fasten the robber grip of England on all the world.

THE GUARANTIES OF IRELAND.

Having set forth the claims of Ireland to independence, her demand and her right to be free; having exposed the hypocrisy of England in her varied attempts to confuse the issue, having torn away the mask behind which England hoped to securely hide from the gaze of the world, let us see what Ireland offers to the world as an evidence of her good faith.

The people of Ireland seek for themselves a form of government which would do justice to all the people within the four shores of Ireland. They seek to set up a government representing equality to all, injustice to none. They demand and will insist upon political equality and religious freedom for all the people of Ireland.

They insist that the majority must rule, but that the rights of political equality and religious freedom shall be given to all members of the minority as well as of the majority.

The people of Ireland believe that the minority is entitled to guaranties, but not to control. They are ready to embody a guaranty of these rights in their constitution, as they have been embodied in the Constitution of the United States.

They are ready to adopt these things which made for success in America and to avoid those things which were found to be mistakes or errors.

CONTRASTS IRELAND AND AMERICA.

As a result of the Revolution in America estates were confiscated and men were exiled. The people of Ireland, however, are ready to say to the small group in Ulster who say they can not remain as an integral part of the Irish people that they would part with them with regret, but will guarantee to them, if they choose to sell, the full market value of all property which they own in Ireland.

The people of Ireland ask every man of whatever blood, or whatever religion, who is now in Ireland to remain in Ireland on terms which will insure absolute equality for all. They point out that there is no instance in its history of religious persecution or racial intolerance due to the majority of the people of Ireland; that wherever there has been persecution it has been by the minority, urged on against the majority by the English Government.

The people of Ireland point out that in every section of the country, in every generation, Protestants of different sect or religious persuasions have been put forward as leaders by a majority of the Irish people, called to the highest elective office within the gift of the majority of the people. They urge that no fairer way of judging the future can be found than that furnished by the experiences of the past.

They are willing at all times to accord to others the rights which they insist upon for themselves. They demand, without further delay, that their present rights shall be recognized by the world and that international recognition shall be given to the republican form of government established in Ireland after a plebiscite held on her shores last December, in the presence of the great English army of occupation and under conditions which held the machinery of government at that time in the hands of Great Britain.

All that any friend of Ireland asks of America is that present conditions in Ireland be studied fairly and dispassionately. In no other part of the world can there be found a parallel to the manner in which the population of Ireland has been reduced by the English Government within the past 70 years.

Why should England that cried out with such strength against injustice in Belgium, be permitted to maintain and continue her rule of might in Ireland? Even her apologists admit that England's rule in Ireland is based only upon her bayonets and cannon.

How can England satisfy the conscience of the world with her explanation that what is wrong in Belgium and in Alsace is right in Ireland? She says that the people of Ireland should not cry out for liberty because, forsooth, they are to-day enjoying a larger measure of prosperity than they formerly had. Why should they not have it? Is it not the result only of their own thrift, their own industry, their own labors?

The apologists of England say that Ireland did an immense business with that country last year—that this is a sufficient answer to Ireland's cry that she is badly governed! How typical was Clive of the English Government of all times when he said, after he had been accused of robbing India of immense treasure, that when he saw the wealth of the country he was astonished at his own moderation! England's statesmen feel that it is right to steal Irish sheep so long as they return a chop to the Irish owner.

The proposition is an insult to the intelligence and conscience of the world and in spite of the marvelous system of propaganda which the English diplomat has built up, he can not prevent the cry of Ireland for freedom from resounding in all parts of the world and coming back to plague him until it is satisfied by having justice done to Ireland.

The English governing class are the Bourbons of modern days. They learn nothing, forget nothing. Let them beware lest the aroused public opinion of mankind shall sweep them as it swept their German and Russian cousins into oblivion and break into bits the British Empire, which is the last bulwark of autocracy against the onrushing tide of liberty and democracy.

Judge Daniel F. Cohalan, following the conclusion of his oral argument, by permission of the committee was authorized to have incorporated as a part of the testimony presented the following:

IRELAND'S DECLARATION OF INDEPENDENCE AND OTHER OFFICIAL DOCUMENTS, INCLUDING LETTERS TO THE PRESIDENT OF THE PEACE CONFERENCE AND THE GENERAL MEMORANDUM SUBMITTED IN SUPPORT OF IRELAND'S CLAIM FOR RECOGNITION AS A SOVEREIGN INDEPENDENT STATE.

IRELAND'S DECLARATION OF INDEPENDENCE—PROCLAIMED BY DAIL EIREANN, JANUARY 21, 1919.

[Translation.]

Whereas the Irish people is by right a free people;

And whereas for 700 years the Irish people has never ceased to repudiate and has repeatedly protested in arms against foreign usurpation;

And whereas English rule in this country is, and always has been, based upon force and fraud and maintained by military occupation against the declared will of the people;

And whereas the Irish republic was proclaimed in Dublin on Easter Monday, 1916, by the Irish republican army, acting on behalf of the Irish people;

And whereas the Irish people is resolved to secure and maintain its complete independence in order to promote the common weal, to reestablish justice, to provide for future defense, to insure peace at home and good will with all nations, and to constitute a national policy based upon the people's will, with equal right and equal opportunity for every citizen;

And whereas at the threshold of a new era in history the Irish electorate has in the general election of December, 1918, seized the first occasion to declare by an overwhelming majority its firm allegiance to the Irish republic;

Now, therefore, we, the elected representatives of the ancient Irish people, in national parliament assembled, do, in the name of the Irish nation, ratify the establishment of the Irish republic, and pledge ourselves and our people to make this declaration effective by every means at our command.

To ordain that the elected representatives of the Irish people alone have power to make laws binding on the people of Ireland, and that the Irish parliament is the only parliament to which that people will give its allegiance.

We solemnly declare foreign government in Ireland to be an invasion of our national right, which we will never tolerate, and we demand the evacuation of our country by the English garrison;

We claim for our national independence the recognition and support of every free nation of the world, and we proclaim that independence to be a condition precedent to international peace hereafter;

In the name of the Irish people we humbly commit our destiny to Almighty God, who gave our fathers the courage and determination to persevere through centuries of a ruthless tyranny, and strong in the justice of the cause which they have handed down to us, we ask His divine blessing on this, the last stage of the struggle which we have pledged ourselves to carry through to freedom.

IRELAND'S MESSAGE TO THE NATIONS.

[Translation.]

To the nations of the world, greeting:

The nation of Ireland, having proclaimed her national independence, calls, through her elected representatives in parliament assembled in the Irish capital on January 21, 1919, upon every free nation to support the Irish republic by recognizing Ireland's national status and her right to its vindication by the peace congress.

Nationally, the race, the language, the customs, and traditions of Ireland are radically distinct from the English. Ireland is one of the most ancient nations of Europe, and she has preserved her national integrity vigorous and intact through seven centuries of foreign oppression; she has never relinquished her national rights, and throughout the long era of English usurpation she has in every generation defiantly proclaimed her inalienable right of nationhood down to her last glorious resort to arms in 1916.

Internationally, Ireland is the gateway to the Atlantic. Ireland is the last outpost of Europe toward the west; Ireland is the point upon which great trade routes between east and west converge; her independence is demanded by the freedom of the seas; her great harbors must be open to all nations, instead of being the monopoly of England. To-day these harbors are empty and idle solely because English policy is determined to retain Ireland as a

barren bulwark for English aggrandizement, and the unique geographical position of this island, far from being a benefit and safeguard to Europe and America, is subjected to the purposes of England's policy of world dominion.

Ireland to-day reasserts her historic nationhood the more confidently before the new world emerging from the war, because she believes in freedom and justice as the fundamental principles of international law; because she believes in a frank cooperation between the peoples for equal rights against the vested privileges of ancient tyrannies, because the permanent peace of Europe can never be secured by perpetuating military dominion for the profit of empire, but only by establishing the control of government in every land upon the basis of the free will of a free people, and the existing state of war between Ireland and England can never be ended until Ireland is definitely evacuated by the armed forces of England.

For these, among other reasons, Ireland—resolutely and irrevocably determined at the dawn of the promised era of self-determination and liberty, that she will suffer foreign dominion no longer—calls upon every free nation to uphold her national claim to complete independence as an Irish republic against the arrogant pretensions of England founded in fraud and sustained only by an overwhelming military occupation, and demands to be confronted publicly with England at the congress of nations, that the civilized world having judged between English wrong and Irish right may guarantee to Ireland its permanent support for the maintenance of her national independence.

IRELAND'S DEMOCRATIC PROGRAM—PROCLAIMED BY DAIL EIREANN.

[Translation.]

We declare in the words of the Irish Republican Proclamation the right of the people of Ireland to the ownership of Ireland and to the unfettered control of Irish destinies to be indefeasible, and in the language of our first president, Padraic Pearse, we declare that the nation's sovereignty extends not only to all men and women of the nation, but to all its material possessions; the nation's soil and all its resources, all the wealth and all the wealth-producing processes within the nation; and with him we reaffirm that all rights to private property must be subordinated to the public right and welfare.

We declare that we desire our country to be ruled in accordance with the principles of liberty, equality, and justice for all, which alone can secure permanence of government in the willing adhesion of the people.

We affirm the duty of every man and woman to give allegiance and service to the commonwealth, and declare it is the duty of the nation to assure that every citizen shall have opportunity to spend his or her strength and faculties in the service of the people. In return for willing service, we, in the name of the republic, declare the right of every citizen to an adequate share of the produce of the nation's labor.

It shall be the first duty of the government of the republic to make provision for the physical, mental, and spiritual well-being of the children, to secure that no child shall suffer hunger or cold from lack of food or clothing or shelter, but that all shall be provided with the means and facilities requisite for their proper education and training as citizens of a free and Gaelic Ireland.

The Irish republic fully realizes the necessity of abolishing the present odious, degrading, and foreign poor-law system, substituting therefor a sympathetic native scheme for the care of the nation's aged and infirm, who shall no longer be regarded as a burden, but rather entitled to the nation's gratitude and consideration. Likewise it shall be the duty of the republic to take measures that will safeguard the health of the people and insure the physical as well as the moral well-being of the nation.

It shall be our duty to promote the development of the nation's resources, to increase the productivity of the soil, to exploit its mineral deposits, peat bogs, and fisheries, its waterways and harbors, in the interest and for the benefit of the Irish people.

It shall be the duty of the republic to adopt all measures necessary for the re-creation and invigoration of our industries, and to insure their being developed on the most beneficial and progressive cooperative industrial lines. With the adoption of an extensive Irish consular service, trade with foreign nations shall be revived on terms of mutual advantage and good will; while undertaking the organization of the nation's trade, import and export, it shall be the duty of the republic to prevent the shipment from Ireland of food and other necessaries until the wants of the Irish people are fully satisfied and the future provided for.

It shall devolve upon the national government to seek the cooperation of the governments of other countries in determining a standard of social and industrial legislation with a view to a general and lasting improvement in the conditions under which the working classes live and labor.

LETTER FROM THE IRISH DELEGATES APPOINTED BY DAIL EIREANN TO PRESENT IRELAND'S CASE.

MANSION HOUSE, DUBLIN, *May 17, 1919.*

Monsieur CLEMENCEAU,
President of the Peace Conference, Paris.

SIR: The treaties now under discussion by the conference of Paris will, presumably, be signed by the British plenipotentiaries claiming to act on behalf of Ireland as well as Great Britain.

Therefore we ask you to call the immediate attention of the peace conference to the warning which it is our duty to communicate, that the people of Ireland, through all its organic means of declaration, has repudiated and does now repudiate the claim of the British Government to speak or act on behalf of Ireland, and consequently no treaty or agreement entered into by the representatives of the British Government in virtue of that claim is or can be binding on the people of Ireland.

The Irish people will scrupulously observe any treaty obligation to which they are legitimately committed; but the British delegates can not commit Ireland. The only signatures by which the Irish nation will be bound are those of its own delegates, deliberately chosen.

We request you to notify the peace conference that we, the undersigned, have been appointed and authorized by the duly elected Government of Ireland to act on behalf of Ireland in the proceedings of the conference and to enter into agreements and sign treaties on behalf of Ireland.

Accept, sir, the assurance of our great esteem.

EAMON DE VALERA,
ARTHUR GRIFFITH,
GEORGE NOBLE COUNT PLUNKETT.

LETTER FROM THE IRISH DELEGATES APPOINTED BY DAIL EIREANN TO PRESENT IRELAND'S CASE.

MANSION HOUSE, DUBLIN, *May 26, 1919.*

Monsieur GEORGES CLEMENCEAU,
President of the Peace Conference, Paris.

SIR: On May 17 we forwarded to you a note requesting you to warn the conference that the Irish people will not be bound by the signatures of English or British delegates to the conference, inasmuch as these delegates do not represent Ireland.

We now further request that you will provide an opportunity for the consideration by the conference of Ireland's claim to be recognized as an independent sovereign state.

We send you herewith a general memorandum on the case and beg to direct your attention in particular to the following:

(1) That the rule of Ireland by England has been and is now intolerable; that it is contrary to all conceptions of liberty and justice, and as such, on the ground of humanity alone, should be ended by the conference.

(2) That the declared object of the conference is to establish a lasting peace which is admittedly impossible if the legitimate claims of self-determination of nations such as Ireland be denied.

(3) That incorporated with the peace treaty under consideration as a covenant establishing a league of nations intended amongst other things to confirm and perpetuate the political relationships and conditions established by the treaty. It is clear that it is radically unjust to seek to confirm and perpetuate what is essentially wrong and that it is indefensible to refuse an examination of title when a confirmation of possession is intended such as that provided by the draft covenant of the League of Nations.

Ireland definitely denies that England or Britain can show any just claim or title to hold or possess Ireland and demands an opportunity for her representatives to appear before the conference to refute any such claim.

We feel that these facts are sufficient basis to merit for our requests the consideration which we are sure you, sir, will give them.

Please accept, Mr. President, the assurance of our great esteem.

EAMON DE VALERA,
ARTHUR GRIFFITH,
GEORGE NOBLE COUNT PLUNKETT.

LETTER FROM THE IRISH DELEGATES APPOINTED BY DAIL ERREANN TO PRESENT IRELAND'S CASE.

MANSION HOUSE, DUBLIN, *May 26, 1919.*

To the CHAIRMAN,
Council of League of Nations, Paris.

SIR: The Irish people share the view that a lasting peace can only be secured by a world league of nations pledged, when a clash of interests occurs, to use methods of conciliation and arbitration instead of those of force. They are consequently desirous that their nation should be included as a constituent member of such a league.

Therefore, we, the delegates of the nation, chosen and duly authorized for the purpose by the elected National Government of Ireland, desire to intimate through you that we are ready to take part in any conversations and discussions which may be necessary in order that the foundations of the league may be properly laid, and we ask the commission to provide us with an opportunity for doing so.

Apart from the general grounds of right, the Irish nation has a special and peculiar interest in the league at present proposed.

In the form in which the covenant is now drawn up it threatens to confirm Ireland in the slavery against which she has persistently struggled since the English first invaded her shores, and to pledge the rest of the civilized world, which has hitherto done us no wrong, to discountenance in future our just endeavors to free ourselves from the régime of implacable and brutal oppression under which we have suffered so long.

Ireland is a distinct and separate nation with individual inalienable rights which any league of nations founded on justice is bound to recognize.

Accept, sir, the assurance of our great esteem.

EAMON DE VALERA,
ARTHUR GRIFFITH,
GEORGE NOBLE COUNT PLUNKETT.

O'KELLY'S LETTER NO. 1 TO PREMIER CLEMENCEAU AND ALL THE PEACE CONFERENCE DELEGATES.

PARIS, *February 22, 1919.*

SIR: As the accredited envoy of the provisional government of the Irish republic, I have the honor to bring to your notice the claim of my government, in the name of the Irish nation, for the international recognition of the independence of Ireland, and for the admission of Ireland as a constituent member of the league of nations.

The Irish people seized the opportunity of the general election of December, 1918, to declare unmistakably its national will; only in 26 (out of 105) constituencies of the country was England able to find enough "loyalists" to return members favorable to the union between Ireland and Great Britain; for the remaining 79 seats the electors chose as members men who believed in self-determination; of these, 73 who now represent an immense majority of the people went forward as republican candidates, and each of these republican members has pledged himself to assert by every means in his power the right of Ireland to the complete independence which she demands, under a national republican government, free from all English interferences.

On the 21st of January, 1919, those of the republican members whom England had not yet cast into her prisons met in the Irish capital in a national assembly, to which, as the only Irish parliament de jure, they had summoned all Irish members of parliament; on the same day the national assembly unanimously voted the declaration of independence appended hereto and unanimously issued the message to the free nations, likewise appended.

The national assembly has also caused a detailed statement of the case of Ireland to be drawn up; that statement will demonstrate that the right of Ireland to be considered a nation admits of no denial, and, moreover, that that right is inferior in no respect to that of the new States constituted in Europe and recognized since the war; three members, Eamon de Valera, Mr. Arthur Griffith, and Count Plunkett, have been delegated by the national assembly to present the statement to the peace congress and to the league of nations commission in the name of the Irish people.

Accordingly, I have the honor, sir, to beg you to be good enough to fix a date to receive the delegates above named, who are anxious for the earliest possible opportunity to establish formally and definitely before the peace conference and the league of nations commission now assembled in Paris Ireland's indisputable right to international recognition for her independence and the propriety of her claim to enter the league of nations as one of its constituent members.

I have the honor to be, sir,

Your obedient servant,

SEAN T. O'KELLY,
Delegate of the Provisional Government of the Irish Republic.

O'KELLY'S LETTER—NO. 2.

PARIS, *March 31, 1919.*

To Premier Clemenceau and all the peace conference delegates.

SIR: On behalf of the Irish nation, whose accredited representative I am, I beg to draw your attention, and through you the attention of the peace conference, to the following statement with regard to Ireland:

Ireland is a nation which has exercised the right of self-determination in harmony with the principles formulated by President Wilson and accepted by the belligerents as the only sure foundation for a world peace. It is not only in the past that Ireland, generation after generation, has striven by force of arms as well as by all pacific means to regain her national freedom. At the general election last December the issue, and the only issue, placed before the Irish people was the independence of their country, and by a majority of more than three to one the representatives elected by the constitutional machinery of the ballot box are pledged to the abolition of English rule in Ireland. In none of the small nationalities with which the peace conference has hitherto occupied itself is the unanimity of the people so great; in none has the national desire for freedom been so great; in none has the desire for freedom been asserted so unmistakably and with so much emphasis. Following upon the general election, an Irish National Assembly has met; an Irish Republic has been constituted and proclaimed to the world; a President has been appointed, and with him ministers to direct different departments of state; a program of domestic policy has been issued; and an appeal has been addressed to the nations of the world to recognize the free Irish State that has thus been recalled to life. But while the national will has been declared and the mechanism of free government is ready, the former is being stifled and the latter paralyzed by England's ruthless exercise of military power. The President is a fugitive; the Irish Parliament is forced to conduct its business in secret; the most elementary civil rights are abrogated; the courts-martial are sitting at every center; and the gaols are filled with prisoners, victims of every brutality and indignity, whose only offense is that they have sought the freedom of their native land. It is in these circumstances that the Irish nation, through me, addresses the peace conference.

Ireland manifestly comes within the scope of the principles that have been indorsed by the civilized nations, and it is for the application of these principles that the peace conference is now sitting. Ireland is weak; England is strong. Ireland in every possible way has asserted her right to freedom, which England, by sheer militarism, is intent now, as always in the past, to destroy. It is only by the exercise of tyrannical power that Ireland's right to freedom can be denied. It is to the great principle of national freedom, represented and embodied in the peace conference, that Ireland, exhausted by the cruelties of English rule, her population annihilated by one-half within living memory, her industries destroyed, her natural resources wasted, her civil liberties ended, her chosen leaders proscribed and treated as felons, now makes her appeal.

Article 10 of the draft covenant of the league of nations is framed to secure national independence against the aggression of an external power. Its terms are as follows:

"The high contracting powers undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league. In case of any eggression or in case of any threat or danger of such aggression the executive council shall advise upon the means by which this obligation shall be fulfilled."

Ireland, as a nation that has declared its independence and is pledged to the principles of freedom, justice, and peace, desires to subscribe to the covenant of the league and to claim as against England the protection of article 10. I submit to the conference with profound respect that Ireland's claim is clear and can not with any shadow of justice be refused. Should it be rejected, the consequences would be as follows:

1. Ireland henceforth must rely for her deliverance wholly upon her own efforts. No such rule has been laid down with regard to any other of the smaller nationalities whose emancipation has been made the care of the conference.

2. Nations which never have denied the right of Ireland to freedom will deprive themselves for the future of the power of countenancing her claim, and will in consequence be bound, for the first time in history, to leave her unaided to her own resources as indicated in the preceding paragraph.

3. Article 10 will impose upon all nations as a condition of membership of the league the obligation to guarantee to Great Britain a title to the possession of Ireland and dominion over the Irish people.

Against the imposition of such slavery upon Ireland, and especially against the giving of such a guaranty of title to Great Britain, I enter on behalf of the people of Ireland, in whose name I have the honor to speak, the most emphatic protest.

Great Britain's title to Ireland rests solely upon "the military power of a nation to determine the fortunes of a people over whom they have no right to rule except the right of force."

The combined guaranty of such a title against the declared protest of Ireland would constitute a definite denial of "the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether strong or weak," and without the acceptance of that principle "no part of the structure of international justice can stand."

The guaranty of such a title would be subversive of "the reign of law based upon the consent of the governed and sustained by the organized opinion of mankind."

The guaranty of such a title would constitute recognition of the right of a strong power to serve its own material interest and advantage through the exercise of its "exterior influence and mastery."

The guaranty of such a title would give Great Britain a warrant to make a nation weaker than herself "subject to her purposes and interests." It would confirm the claim of Great Britain to rule and dominate the people of Ireland "even in her own internal affairs by arbitrary and irresponsible force."

Any guaranty under article 10 of territorial integrity and political independence as affecting Ireland can rightly enure only to the benefit of the people of Ireland themselves.

In the name, therefore, of the people of Ireland I ask that the Irish nation may be invited to give their adhesion to the covenant of the league of nations, and that membership of the league—a membership available under article 7, even to colonies who have freely and legislatively subscribed to the supremacy of the English Imperial Parliament—shall not be denied to the government of a free, independent Irish republic.

I have the honor to be, sir,

Your obedient servant,

SEAN T. O'KELLY,

Delegate of the Provisional Government of the Irish Republic.

MEMORANDUM IN SUPPORT OF IRELAND'S CLAIM FOR RECOGNITION AS A SOVEREIGN INDEPENDENT STATE.

Ireland is a nation not merely for the reason, which in the case of other countries has been taken as sufficient, that she has claimed at all times and still claims to be a nation but also because, even though no claim were put forward

on her behalf, history shows her to be a distinct nation from remotely ancient times.

For over a thousand years Ireland possessed and duly exercised sovereign independence and was recognized through Europe as a distinct sovereign state.

The usurpation of the foreigner has always been disputed and resisted by the mass of the Irish people.

At various times since the coming of the English the Irish nation has exercised its sovereign rights as opportunity offered.

The hope of recovering its full and permanent sovereignty has always been alive in the breasts of the Irish people, and has been the inspiration and the mainspring of their political activities abroad as well as at home.

English statecraft has long and persistently striven in vain to force the Irish people to abandon hope. The English policy of repression, spiritual and material, has ever been active from the first intrusion of English power until the present day.

English policy has always aimed at keeping every new accretion of population from without separate from the rest of the nation, and a cause of distraction and weakness in its midst.

Nevertheless, the Irsh nation has remained one, with a vigorous consciousness of its nationality, and has always succeeded sooner or later in assimilating to its unity every new element of the population.

The Irish nation has never been intolerent toward its minorities and has never harbored the spirit of persecution. Such barbarities as punishment by torture, witch burning, capital punishment for minor offenses, etc., so frequent in the judicial systems of other countries, found no recognition in Irish law or custom. Twice in the seventeenth century—in 1642–1648 and in 1689—when, after periods of terrible persecution and deprivation of lands and liberty, the Irish people recovered for a time a dominant political power, they worked out in laws and treaties a policy of full religious equality for all dwellers in the island. On each occasion this policy of tolerance was reversed by the English power, which, on recovering its mastery, subjected the Irish race to further large confiscations of property, restrictions of liberty, and religious persecutions. More recently, notwithstanding the English policy of maintaining as complete a severence as possible, when Irish Protestants became attracted to the support of the national cause, the Catholics of Ireland accorded political leadership to a succession of Protestant leaders.

The Irish have long been a thoroughly democratic people. Through their chosen leaders, from O'Connell to Parnell, they have provided the world with a model of democratic organization in opposition to the domination of privileged classes.

If Ireland, on the grounds of national right and proved ability to maintain just government, is entitled to recover her sovereign independence—and that is her demand—the recognition of her right is due from other nations for the following reasons:

(1) Because England's claim to withhold independence from Ireland is based on a principle which is a negation of national liberty and subversive of international peace and order. England resists Ireland's demand on the ground that the independence of Ireland would be, as alleged, incompatible with the security of England or of Great Britain or of the British Empire. Whether this contention is well or ill founded, if it is admitted, then any State is justified in suppressing the independence of any nation whose liberty that State declares to be incompatible with its own security. An endless prospect of future wars is the natural consequence.

(2) Because England's government of Ireland has been at all times and is conspicuously at the present time an outrage on the conscience of mankind.

Such a government, especially in its modern quasi-democratic form, is essentially vicious. Its character at the best is sufficiently described by a noted English writer, John Stuart Mill (Representative Government (1861) chapter 18): "The Government by itself has a meaning and a reality, but such a thing as government of one people by another does not and can not exist. One people may keep another as a warren or preserve for its own use, a place to make money in, a human cattle farm, to be worked for the profit of its own inhabitants. But if the good of the governed is the proper business of a government it is utterly impossible that a people should directly attend to it." Consequently the people of England devolve the power which they hold over Ireland upon a succession of satraps, military and civil, who are quite irresponsible and independent of any popular control, English or Irish, and repre-

sent no interest of the Irish people. Recent events show that the essential vices of the government are as active now as in former times.

(3) Because the English temper toward the cause of Irish national liberty produces atrocious and intolerable results in Ireland. Among the results are a depopulation unexampled in any other country however badly governed; wholesale destruction of industries and commerce; overtaxation on an enormous scale; diversion of rents, savings, and surplus incomes from Ireland to England; opposition to the utilization by the Irish people of the economic resources of their country, and to economic development and social improvement; exploitation of Ireland for the benefit of English capitalists; fomentation of religious animosities; repression of the national culture; maintenance of a monstrous system of police rule, by which, in the words of an English minister, all Ireland is kept "under the microscope"; perversion of justice by making political service and political subservience almost the sole qualification for judicial positions; by an elaborate corruption of the jury system by the organization of police espionage and perjury, and the encouragement of agents provocateurs, and recently and at present by using for the purpose of political oppression in Ireland the exceptional powers created for the purposes of the European war. Under these powers military government is established, some areas being treated as hostile territory occupied in ordinary warfare; a war censorship is maintained over the press and over publications generally; printing offices are invaded and dismantled; the police and military are empowered to confiscate the property of vendors of literature without any legal process; persons are imprisoned without trial and deported from Ireland; Irish regiments in the English army are removed from Ireland, and a large military force, larger than at any previous time, with full equipment for modern warfare, has been maintained in Ireland; civilians are daily arrested and tried by courts-martial and sentenced to long terms of imprisonment.

What are England's objections to Ireland's independence?

The one objection in which English statesmen are sincere is that which has been already mentioned—that the domination of Ireland by England is necessary for the security of England. Ireland, according to the English Navy League, is "the Heligoland of the Atlantic," a naval outpost, to be governed for the sole benefit of its foreign masters. This claim, if it is valid, justifies not only the suppression of national liberty, but also the weakening of Ireland by depopulation, repression of industry and commerce and culture, maintenance of internal discord, etc. It can also be held to justify the subjugation of any small nation by a neighboring great power.

The proximity of Ireland to England furnishes another plea. But Ireland is not as near to England as Belgium, Holland, Denmark, etc., are to Germany, Norway to Sweden, Portugal to Spain. In fact, it is this very proximity that makes independence necessary for Ireland as the only condition of security against the sacrifice of Irish rights to English interests.

A further plea is that England, being a maritime power, her safety depending on her navy and her prosperity depending on maritime commerce, the domination of Ireland is for her a practical necessity—a plea involving that Ireland's natural harbors, the best in Europe, must be kept empty of mercantile shipping, except for such shipping as carries on the restricted trade between Great Britain and Ireland.

Ireland can not admit that the interests of one country, be they what they may, can be allowed to annul the natural rights of another counry. If England's plea be admitted, then there is an end to national rights, and all the world must prepare to submit to armed interests or to make war against them.

We may expect also to find the plea insinuated, in some specious form if not definitely and clearly made, that the English rule in Ireland has been and is favorable to the peace, progress, and civilization of Ireland. We answer that, on the contrary, English rule has never been for the benefit of Ireland and has never been intended for the benefit of Ireland; that it has isolated Ireland from Europe, prevented her development, and done everything in its power to deprive her of a national civilization. So far as Ireland at present is lacking in internal peace, is behind other countries in education and material progress, is unable to contribute notably to the common civilization of mankind, these defects are the visible consequences of English intrusion and domination.

The Irish people have never believed in the sincerity of the public declarations of English statesmen in regard to their "war aims," except in so far as those declarations avowed England's part in the war to have been undertaken for England's particular and imperial interests. They have never believed that

England went to war for the sake of France or Belgium or Serbia, or for the protection or liberation of small nationalists, or to make right prevail against armed might. If English statesmen wish to be regarded as sincere they can prove it to the world by adandoning, not in words but in act, the claim to subordinate Ireland's liberty to England's security.

Ireland's complete liberation must follow upon the application of President Wilson's principles. It has not resulted from the verbal acceptance of those principles; and their rejection is implied in the refusal to recognize for Ireland the right of self-determination. Among the principles declared by the President, before and since America entered the war, accepted by the American people and adopted by the spokesmen of the chief allied powers, we cite the following:

"No peace can rest securely on political or economic restrictions, meant to benefit some nations and cripple or embarrass others." "Peace should rest upon the rights of peoples, not on the rights of governments—the rights of peoples, great and small, weak or powerful; their equal right to freedom and security and self-government, and to participation, upon fair terms, in the economic opportunities of the world." "What we demand in this war is nothing peculiar to ourselves. It is that the world be made fit and safe to live in, and particular that it be made safe for every peace-loving nation, which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by other peoples of the world, as against force and selfish aggression." "An evident principle runs through the whole of the program I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made the foundation, no part of the structure of international justice can stand."

Speaking on behalf of the American people at New York on the 27th of September, 1918, President Wilson said:

"We accepted the issues of the war as facts, not as any group of men either here or elsewhere had defined them, and we can accept no outcome which does not squarely meet and settle them. These issues are these: 'Shall the military power of any nation or group of nations be suffered to determine the fortunes of peoples over whom they have no right to rule, except the right of force?' 'Shall strong nations be free to wrong weak nations and make them subject to their purpose and interest?' 'Shall peoples be ruled and dominated, even in their own internal affairs, by arbitrary and irresponsible force, or by their own will and choice?' 'Shall there be a common standard of right and privilege for all peoples and nations, or shall the strong do as they will, and the weak suffer without redress?' 'Shall the assertion of right be haphazard and by casual alliance, or shall there be a common concert to oblige the observance of common rights?' No man, no group of men, chose these to be the issues of the struggle. They are the issues of it, and they must be settled—by no arrangement or compromise or adjustment of interests, but definitely and once for all, and with a full and unequivocal acceptance of the principle that the interest of the weakest is as safe as the interest of the strongest. * * * The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice that plays no favorites and knows no standards but the equal rights of the several peoples concerned."

If England objects to the application of those principles to the settlement of the ancient quarrel between herself and Ireland, she thereby testifies: (1) That her international policy is entirely based on her own selfish interest, not on the recognition of rights in others, notwithstanding any professions to the contrary. (2) That in her future dealings with other nations she may be expected, when the opportunity arises, to use her power in order to make her own interest prevail over their rights. (3) That her particular object in keeping possession of Ireland is to secure naval and mercantile domination over the seas, and in particular over the North Atlantic and the nations which have legitimate maritime interests therein; ruling Ireland at the same time on a plan of thoroughgoing exploitation for her own sole profit, to the great material detriment of Ireland, and preventing the establishment of beneficial intercourse, through commerce and otherwise, between Ireland and other countries.

It is evident that, while Ireland is denied the right to choose freely and establish that form of government which the Irish people desire, no international

order can be founded on the basis of national right and international justice; the claim of the stronger to dominate the weaker will once more be successfully asserted; and there will be no true peace.

It must be recognized that Ireland has already clearly demonstrated her will. At the recent general election, out of 105 constituencies 73 returned republican candidates, and 6 returned representatives who, though not republicans, will not oppose the free exercise of self-determination by the Irish people. Nor is there the slightest likelihood that this right will at any time be relinquished.

The Irish people are thoroughly capable of taking immediate charge of their national and international affairs, not less capable than any of the new States which have been recognized since the beginning of the war, or which are about to be recognized; and by a procedure not less valid than has been held good for other restored or newly established States, they have already formally constituted a national government.

The effect on the world of the restoration of Ireland to the society of free nations can not fail to be beneficial. On the part of the nations in general, this fact will be a guarantee of the new international order and a reassurance to all the smaller nations. On the part of England, if justice to Ireland be not "denied or sold or delayed," the fact will be an earnest to other peoples, especially to those whose commerce is borne upon the Atlantic Ocean, that England's naval power is not hostile to the rights and legitimate interests of other countries.

Ireland's voice in the councils of the nations will be wholly in favor of peace and justice. Ireland covets no possessions and makes no territorial claims outside of her own well-defined geographical bounds. Her liberty can not infringed on that of any other people. She will not make any war or aggression or favor any. In remembrance of her unexampled progress and prosperity during a brief period of legislative but not executive independence (1782–1798), she looks forward confidently to the time when she will again be free to contribute to the prosperity of all countries in commercial relation with her.

The longest agony suffered by any people in history will be ended, the oldest standing enmity between two peoples will be removed. England will be relieved of the disgrace she bears in the eyes of all peoples, a disgrace not less evident to the remote Armenian than to her nearest continental neighbors.

In proportion as Engand gives earnest of disinterestedness and good will, in like proportion shall Ireland show her readiness to join in with England in allowing the past to pass into history. The international ambition of Ireland will be to re-create in some new way that period of her ancient independence of which she is proudest, when she gave freely of her greatest treasures to every nation within her reach, and entertained no thought of recompense or of selfish advantage.

Judge COHALAN. Mr. Chairman, I have the pleasure of presenting to the committee Hon Frank T. Walsh, who went over to the other side as the chairman of the American mission on Irish independence. He appeared before the Paris peace conference with his colleagues, Mr. Ryan, of Philadelphia, and Gov. Dunn, of Illinois, for the purpose of demanding the appearance there of the chosen representatives of Ireland, President De Valera, Arthur Griffith, and Count Plunkett. The committee may remember that he was with President Taft, the former joint chairman of the War Labor Board. I have great pleasure in presenting to you Hon. Frank P. Walsh.

STATEMENT OF HON. FRANK P. WALSH.

Mr. WALSH. Mr. Chairman and gentlemen of the committee, to my mind the issue that is before the Senate and to which I have the privilege of addressing myself this morning, transcends in importance any issue that has ever been presented to us in our history of nationhood. I do not except from that the great issues that brought on the conflict between our own people, the question of nullification, the question of black slavery, and the question of the

right of secession, because I see in what is going on here a situation of menace to us as a Nation—not as a power, but integral as a Nation—such as we have never been confronted with before.

It was conceivable to the minds of the men who wrote our Constitution that a situation might arise whereby a dictatorship might be asserted in this country by some person who had secured the favor of the people through the processes laid down in the Constitution of the United States. It was conceivable to them that men might be weakened by flattery, that they might be carried away by power and that, perhaps, especially in dealing with other nations of different beliefs and different concepts, they might wander away from the principles laid down in the Constitution of the United States. And so I am profoundly thankful, and I say that on behalf of those whom I represent, that this Senate Committee has given us a hearing to-day. I am distressed to observe that there is not a fuller attendance of Senators, and yet I feel that I should go on with what I have to say notwithstanding, in the hope that as my mind was brought to where I am to-day, perhaps the minds of some of my fellow Democrats may be so brought, and that we may be preserved from the calamity which I believe is about to overtake us, if it be not checked by the Senate. Our forefathers, with that in mind, provided specifically against one-man power in the dealing with other nations. They provided that the President of the United States had authority to make treaties only with the advice and consent of the Senate, and then only when two-thirds of those present concurred in the treaty. It is our hold, our democratic hold, on the Constitution of the United States that I believe is going to save us and save more than one-half of the world from being plunged into wars such as have not been comparable in our history before, and which will occur under any such proposition. We have now more than one-half of the world in open rebellion against the other half asserting repressive power, among which would be under the present league of nations the Congress of the United States. So the people of the world have been looking to this constitution, understanding its strength and elasticity, and looking to the Senate to save them from what they think will be the most calamitous event in the history of the world.

Might I, without being thought to put a personal angle on what I have to say, describe as briefly as I may how I am brought to this conclusion, which I urge upon you. Although I am but one humble citizen of this country, in appearing before you gentlemen to plead the cause I do, I do so with a feeling of solemnity which I have never before felt in any presence in my life. Perhaps what I say about myself may in a small way reflect an angle on the public mind, and it might give your committee perhaps some sort of idea if I can make myself plain, of what goes to make up the composite mind. Prior to our entry into this war I might have been described as a pacifist. I know that this finally in its last analysis will not be a political question. I know that when this matter is settled it is going to be settled by honorable men from motives of the loftiest patriotism. Our reactions may first be excused, primarily and initially, for running along party lines, because we are a party government, but in great questions, we stand together. That is evidenced by the support that the gentlemen in whose presence I have

the honor to speak gave the President of the United States, a member of my party, during the dark days when he needed support in the bitter conflict which cost us so many precious lives and billions of dollars of our treasure. I say this because I have always been a Democrat, and I like to call myself an independent Democrat, and I have supported every Democratic President since I reached my majority. Prior to our entry into this war I was a believer in peace to the point of being called a pacifist.

I believe I did think that I was a pacifist, but when brought face to face with these questions I found, as we all found, that there are so many things that we would fight for, there are so many things that if physically brave enough we would die for, that the pacifist so-called in this country was a negligible quantity. But I did have that point of view to an extent that I was led to make something like 78 speeches on the theme which the President of the United States gave to us, that he kept us out of war, and I want to say to you that throughout this land there was a great response to that thought. On account of certain connections I have had in an official way—I suppose for that reason—I was sent through the great Hocking Valley of Ohio and Pennsylvania, the coal valley, and practically with unanimity the people in that section responded to the thought that we were traditionally opposed to war, that we were historically opposed to entangling ourselves with any European embroilment and entanglements. But our country saw fit through the regular processes to declare war, and I say that I speak the composite mind of the people who despise war in this country when I say that they sprang to the support of the Government because under the written Constitution laid down by our forefathers they agreed in honor to do so. They knew, the intelligent ones of them, that when war was declared by this country the President of the United States became the most powerful potentate upon the face of the earth. They knew or thought they knew that he needed less legislation in the freest country in the world to perform what was at his hand, namely, to provide the means and opportunity for winning this war, than did any man on the face of the earth, including the late Emperor of Germany; and we did it purposely, gentlemen of the committee—I believe our forefathers did—because it was thought at that time that a democracy, a government founded upon Republican principles, could not stand against an autocracy where one man had autocratic power, so it was provided, and wisely provided, that along the paths of peace we should proceed as a democracy, but that when war was declared we wanted all of the power, all of the drive, all of the concentration that the most powerful potentate on the face of the earth might have at that time.

So that we went into it without question. I believe that nothing that was done by any man in this war was a sacrifice. I stood among the 2,200 graves of those American citizens at the edge of Belleau Wood, with practically every name on every cross showing the boy or the man was of Irish or German origin, because there were many German names on those crosses, and I knew that even they, fighting in this spirit as they did, would not say, if their voiceless lips could speak, that they had made any sacrifice. They did it willingly, cheerfully, for the confederation of human beings that got together more than 150 years ago to declare that this was one

Government that would never foster tyranny; that it was one Government that would always remain the refuge of the principles of right, and that when it was threatened or that when its representatives thought it was threatened, their answer could be but one thing, to give up all they had, even life, for this Government.

I had the privilege to serve my Government for about a year, or over a year, in a capacity that brought me quite in touch with what might be called the masses of the people of this country. Considering industrial disputes involving something over 3,000,000 people, I saw that that same spirit existed among the working people, what we are pleased to call the masses, the common people of this country, and that that same intelligent thought, even though perhaps they could not define a section of the Constitution, actuated them, that same spirit and genius, so that they were just like the soldier who went abroad. Therefore, when we threw the weight of our great resources and our man power into the conflict, we obtained the results we did. I used the words "man power" as I do, although I despise the words, because I know that man power is talked about by the Governments of Europe as meaning only the skull and the brains of such as my boy who sits yonder. It means the disemboweling of the human beings; it means throwing men and women to their death by the words usually of one or two men. But that was the name they gave to it, and so I use it. We threw into the conflict the man power of this country and the matchless resources that won this war. I say that, gentlemen of the committee, not because strategically our soldiers made a fight that kept the enemy from Paris, not because with a dash that at least was as great as that of the most seasoned soldiers, they won a battle at certain points and turned the tide. I do not mean that, but I mean that when we threw in our mighty resources that war was won. We have enough gained to pay off the war in one year's productivity. We have enough now, according to Government figures, to pay the whole cost of the war in the increased value of our productivity since 1914; so that if a country marches on its stomach and wins by the last pound of wheat or the last pound of meat, when we went in, we won this war.

In addition to being opposed to war—and I want to say that my opposition was strengthened by walking through those devastated fields in France—I want to add one other thought. No man could see the bleaching bones of his own kindred, no man could look at those rough brogans still with the flesh and blood in them of the living men who walked in them a few months ago, and not despise war with all his heart. I was a believer likewise in a league of nations. I profoundly believed in a league of nations. I took my conception of a league of nations from what our great President has said, and I want to say at this moment again, according him very great respect for his great ability and for the work that he has done for this country up until this time, that the best friend that he has in the United States is the man who will stand up and preserve him from the wreck of the great mistake that he seems about to make after coming from Paris.

I followed his concept, and I was and am in favor of that much-talked-of thing, a league of nations, a league of nations that will let every nation upon the earth take part in it, to begin with

national disarmament, the absolute freedom of the seas, and the much-talked-of open covenants openly arrived at, and the abolition of secret treaties. It was not an ideal thing. I say that it was the whole basis of any league of nations that would prove effective. It was the parting of the ways between secret diplomacy, and open covenants that a free people could understand and act upon intelligently, as I know you are trying to act upon this question to-day. I believed that such a league of nations was possible, and I so abhorred war that I gave what strength I had to the formation of such a league. Having been a humble member of the League to Enforce Peace, after the armistice was signed I accepted a position upon the executive committee of that body, and took part in the nation-wide tour for a league of nations.

Senator BORAH. Did you travel with Mr. Taft for a while?

Mr. WALSH. I did. I traveled as far as Chicago with him. From there I went to St. Louis and he went in another direction. and I will say that I was in accord with Mr. Taft and Dr. Lowell and others who spoke with him upon this general proposition, and I believe at heart if I understand them I am in accord with them to-day; and perhaps if I can get to it as I hurry through I may show the point of departure, and hope that the rest of them will depart at the same point. [Applause.]

It was thrown in my way to go to Paris. I might say here, although it is nothing to be proud of or to be ashamed of, that I have not given as much attention to the so-called Irish question that formerly existed as some of these gentlemen have who appear with me here to-day. I was not a member of any society that had for its object help to Ireland, but I was called into this by the gentlemen who organized the Irish race convention. My ancestry was Irish, every bit of it. This appeals to me as an American proposition. It occurred to me that if the case of Ireland so splendidly described by the President of the United States could be given to the world, if it could be understood that that was what we fought for, the greatest advance could be made by our country, and the greatest evidence could be given of our entire good faith in this enormous and awesome enterprise upon which we had entered, so that I went in as the representative and as the chairman of the committee of the American Commission on Irish Independence from the Irish race convention. We have here, gentlemen of the committee, and have given you a copy of, all the correspondence that we had with all persons while in Paris. We have given you a splendid copy of the report on conditions in Ireland. We have addressed a letter to your honorable chairman, a copy of which is on the first page of the brown-covered pamphlet in which we have embodied this correspondence. In addition to that we had interviews with every member of the American Commission to Negotiate Peace. Some of them we believe to be very significant, and we wanted to give the full text of those interviews in an executive session of this committee, because I believed there were matters in it that ought not to be made public, that would be embarrassing to some gentlemen if they were made public, but we will offer them to an executive meeting of this committee or to the Senate of the United States, if called upon.

Senator MOSES. Mr. Chairman, I move that these communications be received and printed as a confidential committee document.

The CHAIRMAN. If there be no objection it will be so ordered.

Mr. WALSH. We were sent to Paris and we went there with the commission of these 5,132 men and women, with this idea.

Senator JOHNSON of California. Just a moment, Mr. Walsh.

The CHAIRMAN. The Senator from California.

Senator JOHNSON of California. I want to suggest to you, Mr. Chairman, that the hearings of this committee have all been open. We have endeavored to make a departure from the rules that have prevailed heretofore, and to act in the open; to observe one of the 14 points, that of open covenants of peace openly arrived at.

I think these communications, if printed, ought to be open to the public as well as to the United States Senate. (Applause.) I want to amend the motion made by the Senator from New Hampshire (Mr. Moses) or to substitute for it the motion that the communications be received, be accepted, and be printed as a part of our record of the proceedings.

Senator MOSES. I accept that substitute, Mr. Chairman.

The CHAIRMAN. The question is on the substitute.

Senator BORAH. What are these communications?

Mr. WALSH. The communications are the interviews which we had with the members of the American Commission to Negotiate Peace, including the President.

Senator FALL. Mr. Chairman, this commission waited upon the President of the United States and there declined to receive from him any confidential information which they could not impart to the people of the United States. If the committee could not conscientiously receive information of that character from the President of the United States—and I was one who would not have attended the conference had it not been open, I must decline—and I had intended to so state later—to keep anything confidential from the people of the United States which it is their business to know.

Senator SWANSON. Mr. Chairman, I submit that this matter ought to come later, because it was understood that we would have nothing but hearings this morning.

Senator FALL. This is a part of the hearing, Mr. Chairman.

The CHAIRMAN. The question is on the motion for the printing of these documents.

Senator FALL. That will leave them at liberty to present them under those conditions, if they desire to do so.

The CHAIRMAN. If they are submitted, I think they ought to be published as a part of the record.

Senator FALL. I simply wanted to serve notice that I would not regard the information as confidential if it was submitted.

Senator KNOX. Put the question.

The CHAIRMAN. The question is, shall these documents referred to by Mr. Walsh be printed as a part of the record, as submitted by him.

(The question was taken and the motion was agreed to.)

(Other documents referred to are here printed in full, as follows:)

CORRESPONDENCE IN CASE OF IRELAND'S CLAIM FOR INDEPENDENCE BETWEEN AMERICAN COMMISSION ON IRISH INDEPENDENCE—AMERICAN COMMISSION TO NEGOTIATE PEACE AND REPRESENTATIVES OF OTHER GOVERNMENTS.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
OFFICE OF CHAIRMAN,
2142 Woolworth Building, August 26, 1919.

Hon. HENRY CABOT LODGE,
Chairman Committee on Foreign Relations, United States Senate,
Washington, D. C.

DEAR SIR: We beg to hand you herewith, for consideration of your honorable committee, copies of all corrspondence between the American Commision on Irish Independence, the American Commission to negotiate Peace, and the representatives of other Governments, at Paris, between the dates of April 16, 1919, and June 27, 1919, inclusive.

We likewise beg leave to inform your honorable body that, in addition to this correspondence, we had personal interviews with all of the members of the American Commission to Negotiate Peace.

Immediately at the close of such interviews, the substance of the same were dictated to stenographers, and full transcripts of the important ones preserved.

On account of the subject matter of certain of them, we do not consider it proper to offer the same at a public hearing. If your honorable body desires the information, however, we shall be glad to submit the full text of the interviews to you in executive session.

With assurance of our high respect and esteem, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman*,
MICHAEL J. RYAN,
EDWARD F. DUNNE.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
HOTEL GRAND,
Paris, France, April 16, 1919.

The PRESIDENT OF THE UNITED STATES,
Paris.

DEAR MR. PRESIDENT: We beg to advise you that in pursuance of the commission given us by the Irish race convention held in the city of Philadelphia on February 22, 1919, we were, among other things, instructed to obtain, if possible, for the delegates selected by the people of Ireland, a hearing at the peace conference.

The delegates so selected are Messrs Eamon de Valera, Arthur Griffith, and Count Plunkett.

If these gentlemen were furnished safe conduct to Paris so that they might present their case, we feel that our mission would be, in the main if not entirely, accomplished.

May we therefore ask you to obtain from Mr. Lloyd George, or whomsoever may be intrusted with the specific details of such matters by the English Government, safe conduct for Messrs. de Valera, Griffith, and Plunkett from Dublin to Paris.

If you could see your way clear to do this, we feel sure that it would meet with the grateful appreciation of many millions of our fellow citizens, would certainly facilitate the object of our mission, and place us under additional great and lasting obligation to you.

It would afford us the utmost pleasure to call upon you in person in order that we might pay our respects as well as make a brief suggestion as to the subject matter of this letter, provided such course meets with your approval and convenience.

With assurances of our continued high consideration and esteem, as always,

Sincerely, yours,

FRANK P. WALSH, *Chairman.*
MICHAEL J. RYAN.
EDWARD F. DUNNE.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
GRAND HOTEL,
Paris, April 17, 1919.

MY DEAR MR. WALSH: The President asks me to say, in reply to your recent letter that he would be very glad to see you at his residence, 11 Place des Etats Unis, at 5.30 o'clock this afternoon, Thursday.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

MR. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION OF IRISH INDEPENDENCE,
GRAND HOTEL,
Paris, May 17, 1919.

HON. ROBERT LANSING,
Secretary of State and American Commissioner to Negotiate Peace.

SIR: On behalf of and representing the Irish race convention held in Philadelphia on February 22, 1919, we very respectfully request your good offices to procure from the British Government a safe conduct from Dublin to Paris and return for Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, the elected representatives of the people of Ireland, so that they may in person present the claims of Ireland for international recognition as a republic to the peace conference.

As you know, the British Government assented to our going to Ireland; we went there for the purpose of conferring with the representatives of the Irish people and ascertaining for ourselves at first hand the conditions prevailing in that country. We have returned therefrom and are now more desirous than ever that the authorized representatives of Ireland shall be given the opportunity to appear and present the case of that country to the representatives of the assembled nations.

Awaiting the favor of an early reply, we remain,

Very truly, yours,

FRANK P. WALSH, *Chairman.*
EDWARD F. DUNNE.
MICHAEL J. RYAN.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
SUITE 760, GRAND HOTEL,
Paris, May 20, 1919.

DEAR MR. PRESIDENT: Following the interview courteously accorded by you to the chairman of our delegation on the 17th ultimo, Col. House made the following request of Mr. Lloyd-George:

"That safe conduct be given by the Government of Great Britain from Dublin to Paris and return for Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, the representatives selected by the people of Ireland to present its case to the peace conference."

Upon the day following Col. House conveyed the information to us that Mr. Lloyd-George was willing to comply with such request, but desired an interview with the American delegates before doing so, and that it was the desire of Mr. Lloyd-George that arrangements for the meeting with him be made through Mr. Philip Kerr, private secretary to Mr. Lloyd-George.

After two tentative dates had been set by Mr. Kerr for the meeting with Mr. Lloyd-George, and not yet having met him, we were advised by Col. House to repeat our original request in writing to the honorable Secretary of State, Mr. Robert Lansing, which we did upon the 17th instant.

At this moment we have been informed by the private secretary of Mr. Secretary Lansing that our request has been referred to you.

May we not therefore respectfully ask of you that the undersigned, our full delegation, be given an opportunity to present to you in person in as brief manner as consistent with the importance of the case suggestions which Messrs. de Valera, Griffith, and Plunkett, the representatives aforesaid, have asked us to convey to you, together with certain facts of grave import now in our possession.

May we also take the liberty of suggesting, in view of existing conditions in Ireland (which can not and will not be denied), that to foreclose its case by refusing a hearing to its representatives at this time would be disconsonant with the declared purpose for which the war was prosecuted and out of harmony with the common principles of democracy.

We would gratefully appreciate a response at your convenience, and with assurances of our continued high regard.

Sincerely,

FRANK P. WALSH, *Chairman.*
EDWARD F. DUNNE.
MICHAEL J. RYAN.

To the PRESIDENT OF THE UNITED STATES,
Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, 21 May, 1919.

MY DEAR MR. WALSH: The President asks me to acknowledge the receipt of the letter of May 20 signed by yourself, Gov. Dunne, and Mr. Ryan and to say that he has taken the matter up with the Secretary of State, and that by the President's direction, Mr. Lansing will reply to it.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Hon. FRANK P. WALSH,
Suite 760, Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 22, 1919.

The original of the following letter was to-day handed to M. Clemenceau's secretary at the foreign office, Quai d'Orsay, Paris, by Sean T. O'Ceallaigh, envoy of the Irish republican government at Paris, and copies were handed personally by Mr. Frank P. Walsh, chairman of the American Commission on Irish Independence, to President Wilson, Col. House, Secretary of State Lansing, Mr. White, and Gen. Bliss, the members of the American Commission to Negotiate Peace:

"MANSION HOUSE, *Dublin, May 17, 1919.*

"To M. CLEMENCEAU,

"*President of the Peace Conference of Paris.*

"SIR: The treaties now under discussion by the conference of Paris will, presumably, be signed by the British plenipotentiaries claiming to act on behalf of Ireland as well as of Great Britain.

"Therefore we must ask you to call the immediate attention of the peace conference to the warning which it is our duty to communicate, that the people of Ireland, through all its organic means of declaration, has repudiated and does now repudiate the claim of the British Government to speak or act on behalf of Ireland, and consequently that no treaty or agreement entered into by the representatives of the British Government in virtue of that claim is or can be binding on the people of Ireland.

"The Irish people will scrupulously observe any treaty obligation to which they are legitimately committed; but the British delegates can not commit Ireland. The only signatures by which the Irish nation will be bound are those of its own delegates deliberately chosen.

"We request you to notify the peace conference that we the undersigned have been appointed and authorized by the duly elected national government of Ireland to act on behalf of Ireland in the proceedings of the conference and to enter into agreements and sign treaties on behalf of Ireland.

"Accept, sir, the assurance of our high esteem,

"EAMON DE VALERA,
"ARTHUR GRIFFITH,
"COUNT GEORGE NOBLE PLUNKETT."

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 22, 1919.

DEAR MR. PRESIDENT: The following communication has this day been transmitted to M. Clemenceau, president of the peace conference:

"MANSION HOUSE, *Dublin, May 17, 1919.*

"To M. CLEMENCEAU,
"*President of the Peace Conference of Paris.*

"SIR: The treaties now under discussion by the conference of Paris will, presumably, be signed by the British plenipotentiaries claiming to act on behalf of Ireland as well as of Great Britain.

"Therefore we must ask you to call the immediate attention of the peace conference to the warning which it is our duty to communicate, that the people of Ireland, through all its organic means of declaration, has repudiated and does now repudiate the claim of the British Government to speak or act on behalf of Ireland, and consequently that no treaty or agreement entered into by the representatives of the British Government in virtue of that claim is or can be binding on the people of Ireland.

"The Irish people will scrupulously observe any treaty obligation to which they are legitimately committed; but the British delegates can not commit Ireland. The only signatures by which the Irish Nation will be bound are those of its own delegates deliberately chosen.

"We request you to notify the peace conference that we the undersigned have been appointed and authorized by the duly elected national government of Irland to act on behalf of Ireland in the proceedings of the conference and to enter into agreements and sign treaties on behalf of Ireland.

"Accept, sir, the assurance of our high esteem.

"(Signed) EAMON DE VALERA,
"(Signed) ARTHUR GRIFFITH,
"(Signed) COUNT GEORGE NOBLE PLUNKETT."

At the suggesion of President de Valera, we desire to call the same to your attention. We trust that the justice of the demand from the standpoint of democracy as well as of fundamental human rights, may lead you to throw the weight of your influence in its favor.

Sincerely,

FRANK P. WALSH, *Chairman*,
EDWARD T. DUNN,
MICHAEL J. RYAN.

To the PRESIDENT OF THE UNITED STATES.

COMMISSIONER PLENIPOTENTIARY OF THE
UNITED STATES OF AMERICA,
Paris, May 22, 1919.

DEAR MR. WALSH: I have duly received the letter dated the 22d which you have been so good as to write me.

Yours, sincerely,

(Signed) HENRY WHITE.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Hotel de Crillon, Paris, May 24, 1919.

SIR: I have received the letter which you and Messrs. Dunne and Ryan addressed to me on May 16th regarding the issuing of safe-conducts by the British Government to Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, in order that they may proceed from Ireland to France and return, and I immediately took steps to acquaint myself with the facts of the case, which transpired before the matter was brought to my attention by your above-mentioned letter.

I am informed that when the question of approaching the British authorities with a view to procuring the safe-conducts in question was first considered every effort was made, in an informal way, to bring you into friendly touch with the British representatives here, although owing to the nature of the case it was not possible to treat the matter officially. The British authorities having consented that you and your colleagues should visit England and Ireland,

although your passports were only good for France, every facility was given to you to make the journey. Before your return to Paris, however, reports were received of certain utterances made by you and your colleagues during your visit to Ireland. These utterances, whatever they may have been, gave, as I am informed, the deepest offense to those persons with whom you were seeking to deal, and consequently it seemed useless to make any further effort in connection with the request which you desired to make. In view of the situation thus created, I regret to inform you that the American representatives feel that any further efforts on their part connected with this matter would be futile and therefore unwise.

I am, sir,

Your obedient servant,

ROBERT LANSING.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

NOTE.—This letter was received subsequent to the dispatch of our letter of May 26, 1919.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 26, 1919.

Hon. ROBERT LANSING,
Secretary of State and American Commissioner to Negotiate Peace, Paris.

SIR: Upon the 17th instant we had the honor to hand to your private secretary, for immediate transmission to you, a letter requesting your good offices to procure from the British Government safe conduct from Dublin to Paris and return for Hons. Eamon de Valera, Arthur Griffith, and Count George Noble Plunkett, representatives of the people of Ireland, copy of which letter we inclose to you herewith.

Upon the day following we were advised by the American press representatives that you had communicated to them the fact that you had referred the letter to the President of the United States. Later in the day this statement was confirmed by your secretary in an interview with our chairman.

With this information, upon the 20th instant we addressed a letter of the same purport to the President of the United States, and requesting a hearing by him. We also inclose copy of this letter to you herewith.

Upon the 21st instant we were advised by Mr. Gilbert F. Close, confidential secretary to the President, that at the President's direction you would make reply to such letter. We have not been advised of further action, if any, either by yourself or the President, upon our request.

In view of the urgency and importance of the matter, the arrangements which must necessarily be made by President de Valera and his associates as an outcome of your reply, as well as the further steps which we may be called upon to take in an endeavor to accomplish the objects of our mission, may we not ask that you be good enough to give us an answer to our request.

With assurances of our high regard, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris, May 27, 1919.

Hon. ROBERT LANSING,
Secretary of State and American Commissioner to Negotiate Peace, Paris.

SIR: Your letter of the 24th instant conveying the refusal of the American Commission to Negotiate Peace to our request that they should use their good offices to secure the issuance of safe conducts by the British Government to Hons. Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, was duly received.

Your letter states that you have been informed that every effort was made, unofficially, to bring us into friendly touch with the British representatives in Paris. It is also stated in your letter that you have information to the effect that certain utterances of ours made during our visit to Ireland "gave the deepest offense to certain persons with whom you (we) were seeking to deal."

We beg to advise you that no person was authorized by us to make any effort to bring us into friendly touch with any British representatives, here or elsewhere.

We also beg to further advise you that at no time, in Paris, or elsewhere, have we sought to deal, privately or unofficially, with any persons relative to the purposes of our mission.

In order to make the record perfectly clear, we submit the following:

On March 27, 1919, a letter in form following was delivered in person by the undersigned to the Acting Secretary of State, in your absence, at your office in Washington:

"PARIS, *March 27, 1919.*

"Hon. FRANK L. POLK,
Acting Secretary of State, Washington, D. C.

"DEAR SIR: We respectively request the issuance of passports to France to Frank P. Walsh, of New York, N. Y.; Michael J. Ryan, of Philadelphia, Pa.; and Edward F. Dunne, of Chicago, Ill., who have been appointed by the recent Irish race convention held in the city of Philadelphia, Pa., on February 22 and 23, 1919, and whose object in visiting France is to obtain for the delegates, selected by the people of Ireland a hearing at the peace conference, and to place before the conference, if that hearing be not given, the case of Ireland; her insistence upon her right of self-determination; and to international recognition of the republican form of government established by her people.

"Very respectfully,

"FRANK P. WALSH, *Chairman.*"

We were informed by Mr. Assistant Secretary Phillips that he was acting for you, in your absence, and that the request contained in the letter would receive careful consideration. After a lapse of two days Mr. Assistant Secretary Phillips informed Mr. Patrick Lee, our secretary, that the request contained in the letter had been granted, and that your office had ordered the passports issued, which was accordingly done.

Upon our arrival in Paris a communication was addressed to the President, signed by Messrs. Walsh, Dunne, and Ryan, the full commission, advising him that we were acting in pursuance of a commission given us by the Irish Race Convention held in Philadelphia on February 22, 1919, and that we were instructed by said convention to obtain, if possible, for the delegates selected by the people of Ireland a hearing at the peace conference, and containing the following specific request:

"May we, therefore, ask you to obtain from Mr. Lloyd-George, or whomsoever may be intrusted with the specific details of such matters by the English Government, safe conduct for Messrs. de Valera, Griffith, and Plunkett from Dublin to Paris."

Following an interview between the President and the chairman of our delegation, the matter was taken up with Col. E. M. House, and the identical request was made through him.

The implications of your letter that any person was acting unofficially, privately, or secretly, is therefore erroneous.

Attempted negotiations on behalf of Ireland in such fashion would not only be violative of our instructions but obnoxious to the principle, to which the steadfastly adhere with multitudes of our fellow citizens, that a just and permanent peace can only be secured through open conventions openly arrived at.

For the verity of the record, which we are anxious to maintain upon this important matter, will you be good enough to give us the names of the persons to whom we gave deep offense by our utterances in Ireland, and with whom you have been informed we "were seeking to deal," as well as the name or names of any person or persons who assumed to negotiate or promote any such secret or unofficial dealings upon our behalf?

We likewise deem it proper to call your attention at this time to the fact that we scrupulously refrained from any public utterances in England, and that our statements to the people of Ireland as to the objects of our mission were in strict conformity with the purposes stated to you in our written application for passports and cherished and advocated by American citizens since the foundation of the American Republic. We are confident that, if your information is correct to the effect that our utterances gave deep offense, such offense was not given to the Irish people or to their duly elected representatives, in whose presence the utterances were made.

Awaiting your further advices, we are, sir,

Respectfully and sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

NOTE.—This letter was never answered.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 27, 1919.

The PRESIDENT OF THE UNITED STATES,
Paris.

DEAR MR. PRESIDENT: We inclose herewith copy of letter received last evening from Mr. Robert Lansing, Secretary of State, together with copy of reply thereto of even date. We submit this so that you may be fully advised pending one further effort to carry out the purposes of our mission.

With assurances of our high esteem and respect, we are,

Sincerely, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

(Same letter sent to Messrs. White, Bliss, and House.)

COMMISSIONER PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA,
Paris, May 28, 1919.

DEAR SIR: I am in receipt of your letter of the 27th instant and hasten to inform you, in reply, that I have neither made nor associated myself in any way with efforts to bring you and your colleagues into touch with the representatives of the British Government in Paris or elsewhere, nor had I, until within the last few days, any knowledge of those efforts.

You, yourselves, have not at any time approached me in the matter, nor was I aware, until quite recently, of the informal action to which yo urefer.

I may add that I was equally unaware, until a few days ago, of the communication which you addressed to the President upon your arrival in Paris from the United States.

I must, therefore, both personally and as a member of the American Commission to Negotiate Peace with Germany and Austria, decline all responsibility in connection with the outcome of your mission.

Yours, sincerely,

HENRY WHITE.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
Paris, May 28, 1919.

Hon. HENRY WHITE,
Commissioner Plenipotentiary of the United States of America, Paris.

DEAR SIR: Please accept our thanks for your prompt and courteous response to our letter of the 27th instant, just received.

With assurance of our appreciation and respect,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 28, 1919.

To the PRESIDENT OF THE UNITED STATES,
Paris.

DEAR MR. PRESIDENT: We have the honor to transmit to you herewith a large number of cablegrams from different parts of the United States, insisting upon the securing of opportunity to present Ireland's case to the peace conference, and protesting against article 10 of the covenant of the league of nations. We trust that you will find time, even with your multiplicity of duties, to give the same careful consideration.

May we also take the opportunity to suggest that the fears of these petitioners as to the effect of article 10, if adopted, seem to have a very substantial basis of fact and reason. It occurs to us, as it doubtless has to them, that the following evil effects might flow from the inclusion of article 10 in its present form:

1. That nations and peoples claiming age-old territorial integrities of their own would, ipso facto, be forced under the authority of other nations or even kingdoms, without a hearing.

2. That peoples, the vast majority of whom are devoted to the principles of free governments such as our own, could be forced under the rule of monarchies or military autocracies.

3. That the signatories, including our country, would be bound, after the adoption of article 10, to prevent the giving of aid by outside advocates of liberty to oppressed nations, which practice has obtained among civilized peoples from time immemorial.

4. That the powerful signatories, including our country, might eventually be compelled to wage war, for the preservation of "territorial integrity," no matter how unjust and oppressive in any part of the world.

In view of the refusal to give the representatives of the Irish people a hearing in Paris, and without consulting with them upon this particular subject, may we not offer the suggestions following, which might apply to the case of Ireland and other nations under like disabilities and similarly situated:

First. Before final adoption of article 10 that a full and open hearing before the committee of four of the great powers at the peace conference be accorded to any nation or people, in order that they may present any questions of fact which they may desire to submit to prove their own territorial integrity, or to dispute the claim of any nation claiming territory to which it is not entitled, or is, at the time of the signing thereof, attempting to acquire or hold by force of arms.

Second. That in any event article 10 of the covenant of the league of nations should be amended so as to read:

"The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled: *Provided, however,* That the territorial boundaries of no country at the signing of the covenant shall be deemed to include any other country or nation the boundaries of which are natural ones, or clearly defined, inhabited by a homogeneous people, a majority of whom by a vote of its electorate has determined the form of government under which they desire to live, and whose efforts to establish the same and function thereunder are at the time of the signing hereof prevented by an army of occupation or other form of forcible repression."

With assurances of our continued high regard, we remain,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
By FRANK P. WALSH, *Chairman.*

(Copies of the above letter and cablegrams sent to Messrs. House, White, Bliss, and Lansing.)

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 28, 1919.

MY DEAR MR. WALSH: I am writing on behalf of the President to acknowledge receipt of your letter of May 17 inclosing a copy of your letter to the Secretary of State of May 27.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Hon. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 29, 1919.

DEAR MR. WALSH: Thank you for your note of May 27 inclosing for my information a copy of your recent correspondence with the Secretary of State regarding the issuance of safe conducts for Messrs. de Valera, Griffith, and Count Plunkett.

Cordially, yours,

E. M. HOUSE.

Mr. FRANK P. WALSH,
Chairman, American Commission on Irish Independence,
Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 29, 1919.

DEAR SIR: As representatives of the Irish race convention held in the city of Philadelphia on February 22, 1919, we respectfully request an opportunity of appearing before the members of the American Commission to Negotiate Peace at as early a moment as may be convenient and meet with the pleasure of the commissioners plenipotentiary.

With assurances of our respect and high regard, we are,
Sincerely,

FRANK P. WALSH,
E. F. DUNNE.

Mr. J. C. GREW,
Secretary to the American Commission to Negotiate Peace, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 29, 1919.

DEAR MR. PRESIDENT: We inclose you herewith copy of letter this day addressed to the secretary of the American Commission to Negotiate Peace.

We were informed by Col. House that daily meetings of the commissioners plenipotentiary are held at the Hotel Crillon, and he was good enough to say that he would be glad to attend at any time an opportunity was given us for a hearing.

We called at the headquarters of the commission at their regular meeting hour this morning, but their meeting had adjourned. Mr. Secretary of State Lansing therefore suggested to us, through his private secretary, that we make this request through the secretary of the commission.

We wish you to be assured that we will occupy but a brief space of time, and indulge the hope that you may accord us this hearing at as early a moment as will meet with your pleasure and convenience, considering your other important duties.

With assurances of our great respect, we are,
Sincerely,

FRANK P. WALSH.
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES,
Paris.

(Letters of similar purport were sent to Messrs. Lansing, White, House, and Bliss.)

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, May 31, 1919.

DEAR MR. PRESIDENT: We beg to advise you that, in pursuance of the commission given us by the Irish race convention held in the city of Philadelphia on February 22, 1919, and following our letter to you of April 16, 1919, every effort has been made to obtain a hearing for the delegates selected by the people of Ireland to represent them at the peace conference. Our information is that the government of Great Britain has definitely denied safe conducts to these representatives, and hence they can not appear before the peace conference or any committee thereof.

The resolutions and instructions under which we are acting provide that, if opportunity be not given the regularly chosen representatives of Ireland, we should ourselves present her case; her insistence upon her right of self-determination; and to international recognition of the republican form of government established by her people.

We therefore petition you to use your good offices to secure a hearing for us before the special committee of the four great powers, so that we may discharge the duty imposed upon us by our convention.

In order to avoid misunderstanding we desire to state, and would thank you to convey the information to the other members of your committee, that we do not hold, or claim to have, any commission or authority from the people of Ireland or their representatives; but desire solely and respectfully to present the resolutions of the American convention with a brief argument in support thereof.

May we also point out that while the convention which we represent was unofficial, and while we claim no official authority in the governmental sense, nevertheless, it was a convention composed of 5,132 delegates; democratically selected, representing every State in the American Union; and the individuals who composed it may fairly be said to have been men and women of all shades of political opinion, of all religious sects, and of practically every trade, profession, and avocation which go to make up our national life.

We think it is likewise fair to state that this convention acted for many millions of our fellow-citizens, who, in this representative way, respectfully urge you to give favorable response to the request of this petition.

We will deeply appreciate it if you will be good enough to give us an early reply to this letter, as the matter of our departure for home is pressing us.

With considerations of our continued great respect and esteem, we are,

Sincerely,

FRANK P. WALSH, *Chairman*,
E. F. DUNNE.

To the PRESIDENT OF THE UNITED STATES,
Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 31, 1919.

GENTLEMEN: I beg to acknowledge receipt of your letter of May 29, requesting, as representatives of the Irish race convention held in the city of Philadelphia on February 22, 1919, an opportunity of appearing before the members of the American Commission to Negotiate Peace at as early a moment as may be convenient and meet with the pleasure of the commissioners plenipotentiary.

The commission is led to believe that your object in requesting to be received is to ask its good offices to obtain a hearing before the peace conference of representatives of the so-called "Irish republic." On the basis of this understanding, I am instructed by the American commissioners to express to you their regrets that they are unable to comply with your request, for the reason that it is not within the province of the American delegation to request the peace conference to receive a delegation composed of citizens of a country other than our own, when that country is officially represented at the conference, in regard to a matter having no relation whatever to the making of peace with Germany and Austria.

With assurance of respect, I am, gentlemen, your obedient servant,

J. C. GREW, *Secretary General.*

Messrs. FRANK P. WALSH and E. F. DUNNE,
Grand Hotel, Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, May 31, 1919.

MY DEAR MR. WALSH: I am writing on behalf of the President to acknowledge receipt of your letter of May 28 with the inclosed telegrams and to say that I am bringing them to the President's attention.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Mr. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 2, 1919.

MY DEAR MR. CLOSE: I am handing you herewith letter for delivery to the President, which is quite urgent as to time. Would appreciate it deeply if you would get it to his hand at the earliest opportunity.

Thanking you for all of your kindnesses, I am,

Sincerely,

FRANK P. WALSH.

Mr. GILBERT F. CLOSE,
Confidential Secretary to the President, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
Paris, June 2, 1919.

DEAR MR. PRESIDENT: Upon this morning Mr. J. C. Grew, secretary general to the American Commission to Negotiate Peace, handed Gov. Dunne and myself a letter, copy of which is inclosed to you herewith. He stated at the same time that you were willing to accord personal interviews to us.

I am deeply appreciative of the courtesy extended, and would be grateful if you will be good enough to indicate at as early a moment as possible, consistent with your great press of affairs, when I might see you.

Always, sincerely,

FRANK P. WALSH.

The PRESIDENT OF THE UNITED STATES,
Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 2, 1919.

MY DEAR SIR: We beg to acknowledge receipt of your letter of May 31 answering ours of the 29th ultimo, handed to us by you in person this morning.

We desire to state that our object in requesting an opportunity of appearing before the American Commission to Negotiate Peace was not to ask its good offices to obtain a hearing before the peace conference of representatives of the Irish Republic, as you state in your letter the commission has been led to believe. In order to remove this misapprehension, we respectfully submit the following:

Our information is that the Government of Great Britain has definitely denied safe conducts to these representatives, and hence they can not appear before the peace conference or any committee thereof.

The resolutions and instructions of the Irish race convention, under which we are acting, provide that if opportunity be not given the regularly chosen representatives of Ireland, we should ourselves present her case; her insistence upon her right of self-determination; and to international recognition of the republican form of government established by her people.

We wish to advise the commission further that we do not hold, or claim to have, any commission or authority from the people of Ireland or their representatives; but desire in appearing before the commission solely and respectfully to present the resolution of the American convention with a brief argument in support thereof.

May we also point out that while we claim no official status in the governmental sense, nevertheless, we are the representatives of a convention composed of 5,132 delegates, democratically selected, representing every State in the American Union; and the individuals who composed it may fairly be said to have been men and women of all shades of political opinion, of all religious sects, and of practically every trade, profession, and avocation which go to make up our national life.

We think it likewise fair to state that this convention acted for many millions of our fellow citizens, who in this representative way respectfully urge the commission to grant us a full hearing.

We therefore renew our request, and trust that the commission may see its way clear to fix a time, at its pleasure and convenience, when we may appear before it.

Awaiting the favor of an early reply, and with assurances of our great respect, we are,

Sincerely,

FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Mr. J. C. GREW,
Secretary General American Commission to Negotiate Peace, Paris.

AMERICAN COMMISSION OF IRISH INDEPENDENCE,
Paris, June 6, 1919.

DEAR MR. PRESIDENT: We have the honor to hand you herewith report on conditions in Ireland with demand for investigation by the peace conference.

On account of the serious and critical situation exposed by the report, we

beg that you will be good enough to give this document your careful consideration, and also to present the same to the full peace conference or to the committee of the five great powers, whichever may be the proper course under the practice of the conference. With assurances of our great respect and esteem, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES,
Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: Complying with you request of May 1, 1919, made through Sir William Wiseman and assented to by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the representatives at Paris of the Irish republican government, that we visit every part of Ireland, and especially Belfast, to ascertain the actual conditions existing in that country.

We have the honor to inform you that we have, except where prevented by the use of military forces of the English army of occupation, visited the four Provinces of Ireland, including Belfast, as well as the other principal cities and towns.

We have prepared a report covering the facts, with certain recommendations.

In order that the Government of Great Britain may be informed, we herewith hand you copy of this report, which, in addition to the presentation of facts, contains a demand for an investigation under the authority of the peace conference.

We also wish to advise your Government that the original of this document has this day been handed to the President of the United States and that copies have been transmitted to the House of Representatives and the Senate of the United States through the Secretary of State.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Hon. DAVID LLOYD-GEORGE,
Prime Minister of England, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: We have the honor to hand you three copies of document entitled "Report on conditions in Ireland with demand for investigation by the peace conference," which we have this day transmitted to the President, with copy to Hon. David Lloyd-George, prime minister of England.

In view of the fact that the Senate of the United States is now considering the subject of a new treaty or treaties with the Government of Great Britain, and on account of the further fact that the House of Representatives has heretofore passed a resolution in favor of Ireland's right of self-determination, which has not been acted upon by the peace conference, unless in secret session, of which we have had no advices, we respectfully request that you kindly transmit one copy of this document to the Senate and one to the House of Representatives of the United States, in conformity with the customs and practices of the State Department. With assurances of our great respect and consideration, we are,

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Hon. ROBERT LANSING,
Secretary of State of the United States, Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 7, 1919.

MY DEAR MR. WALSH: I beg to acknowledge receipt of your letter of June 6, inclosing the memorandum concerning conditions in Ireland and to say that I have brought it to the President's personal attention.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Mr. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

DEAR MR. PRESIDENT: We inclose you herewith paragraph inadvertently omitted from our "Report on conditions in Ireland with demand for investigation by the peace conference," which we had the honor of sending you upon the 6th instant. The same should be inserted under the subtitle "The revolution," on page 13 of said report.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

(A similar letter and inclosure also was sent to David Lloyd George, British Prime Minister.)

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

DEAR SIR: We inclose to you herewith two corrected copies of our "Report on conditions in Ireland, with demand for investigation by the peace conference." Will you be good enough to have these substituted for the ones heretofore transmitted, or have the necessary corrections made?

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Hon. ROBERT LANSING,
Secretary of State, Paris

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

Right Hon. LORD BIRKENHEAD,
Lord Chancellor of England, House of Lords, London, England.

SIR: Upon the 22d ultimo, during the proceedings in the House of Lords on that date, as published in the London Times, you made a statement, in reply to a question of Viscount Midleton, as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith for presentation to the House of Lords this report, together with copies of letters addressed to Hon. David Lloyd George, prime minister.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

EDITOR LONDON TIMES,
London, England.

SIR: We have the honor to hand you herewith "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to the President of the United States, the American Secretary of State, and Hon. David Lloyd George, British prime minister, upon the same subject.

As you are doubtless aware, charges have been made that matters deeply affecting the peace of the world, such as the condition of Ireland, are habitually suppressed by English newspapers. In order that your paper may be thoroughly advised, and that there should be no misunderstanding upon the subject later, we take this opportunity to submit the inclosed documents.

Respectfully, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

(Similar letters and inclosures were sent to all leading English journals.)

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: Upon the 14th ultimo, during the proceedings in the House of Commons on that date, as published in the London Times, you made an official statement as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submt to you herewith, for transmission to the cabinet, this report, together with copies of letters addressed to His Majesty, King George V, and Hon. David Lloyd-George, prime minister.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Mr. BONAR LAW, *Leader of the House of Commons, London, England.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

His Majesty GEORGE V, *King of Great Britain, London, England.*

YOUR MAJESTY: We herewith transmit to you our "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to your prime minister, Mr. David Lloyd-George.

The original of this report has been delivered to the President of the United States for presentation to the peace conference, and copies have been forwarded to Hon. Robert Lansing, American Secretary of State, for transmission to the Congress of the United States.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 13, 1919.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris.

GENTLEMEN: Following Mr. Lansing's letter of the 24th ultimo, conveying to us the opinion of the American Commission to Negotiate Peace that further effort to secure the issuance of safe conducts by the British Government to Messrs. de Valera, Griffith, and Plunkett would be futile and unwise, we proceeded, as you have been individually informed, to ourselves secure a hearing before your full body upon the merits of the Irish case.

While making this effort we are informed that the United States Senate has passed a resolution requesting your honorable body to endeavor to secure a hearing for the same gentlemen before the peace conference in order that they might present the case of Ireland and expressing sympathy with the aspirations of th people of Ireland for a government of their own selection.

In this situation we feel that further effort upon our part should be suspended until the resolution is acted upon by your honorable body.

We most respectfully urge, both as American citizens and in our representative capacity, that early and favorable action be taken by your body upon the Senate resolution.

If your commission concludes to so act upon the Senate resolution, and a hearing is granted by the peace conference to the Irish representatives and international recognition is accorded to the republican government set up by the people of Ireland, there will be no necessity for further demand by us upon your valuable time.

Will you therefore be good enough to advise us of whatever action your honorable body may see fit to take at the earliest convenient moment?

With assurances of our appreciation for other courtesies, and indulging the hope of an early response to this communication, we are,

Very respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, July 13, 1919.

Mr. J. C. GREW,
Secretary General American Commission to Negotiate Peace, Paris.

DEAR MR. SECRETARY GENERAL: We are taking the liberty of handing you herewith letter of even date addressed to the American commission to negotiate peace, which we request that kindly hand to them at once.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, July 13, 1919.

DEAR MR. PRESIDENT: We inclose you herewith copy of letter to-day addressed to the American commission to negotiate peace, the original of which was forwarded through Secretary General Grew, and to which we respectfully request your early and kindly consideration.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

(Similar letters were sent to Messrs. Lansing, Bliss, House, and White.)

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 14, 1919.

GENTLEMEN: I beg to acknowledge receipt of your letter of June 13, together with the inclosed copy of letter to the American Commission to Negotiate Peace, and to say that your letter will receive my careful consideration.

Sincerely, yours,

TASKER H. BLISS.

AMERICAN COMMISSION ON IRISH INDEPENDENCE, *Paris.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

AMERICAN COMMISSION TO NEGOTIATE PEACE, *Paris.*

GENTLEMEN: Inasmuch as the peace terms are so close to signature, will you not be good enough to advise us at the earliest possible moment as to the disposition by the full peace conference of the Senate resolution as follows:

"*Resolved*, That the Senate of the United States earnestly requests the American Peace Commission at Versailles to endeavor to secure for Edward de Valera, Arthur Griffith, and Count George Noble Plunkett, a hearing before said peace conference in order that they may present the cause of Ireland.

"*Resolved further*, That the Senate of the United States express its sympathy with the aspirations of the Irish people for a government of its own choice."

In addition to the fact that we are receiving constant and urgent inquiries in regard to the same, we wish to respectfully call to your attention that unless action is taken very shortly, the delay itself will amount to a denial of the request.

With assurances of our high regard and esteem,

Sincerely,

FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 17, 1919.

MR. FRANK P. WALSH,
Chairman American Commission of Irish Independence, Paris.

SIR: The American Commission to Negotiate Peace has the honor to acknowledge the receipt of your letter dated June 17 and previous correspondence regarding the resolution of the Senate of the United States in connection with the appearance of Edward de Valera, Arthur Griffith, and Count George Noble Plunkett before the peace conference and to inform you that the commission will not fail to comply with the request stated in your above-mentioned letter.

I am, sir,

Your obedient servant,

J. C. GREW, *Secretary General.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

DEAR MR. PRESIDENT: On the 6th day of June, 1919, we had the honor to forward you our "Report on conditions in Ireland with demand for investigation by peace conference," the investigation to be conducted by an impartial body appointed by the peace conference, and excluding from membership the interested countries; or a committee selected equally by the Prime Minister of England and the elected representatives of Ireland, the chairman to be agreed upon by parties, or, in case of failure to agree, by the Supreme Court of the United States.

We now beg leave to point out that in the report heretofore forwarded to you the most revolting acts committed against the people of Ireland were not included, for the reason that many of the details of evidence covering the same are in the exclusive possession of the chief secretary for Ireland, Mr. Ian MacPherson, and military and other officials under his authority.

The substantial accuracy of our report has been attested by some of the more progressive and independent newspapers of England; but in view of certain public statements by English officials and certain newspapers, we beg to make the following additions to our report:

(1) Since the submission thereof, through use of an army of spies and agents provocateurs, reprisals have begun against the persons and property of those who are to bear witness to the truth of many of the atrocities reported; and men and women are being arrested upon trumped-up charges and transported to places distant from their homes and friends, so as to be deprived of assistance or defense.

(2) The only charge in the report heretofore submitted to you which has, so far as we know, received specific denial at the hands of any English authority is the following:

"Police and soldiers are habitually permitted to enter the cells where political prisoners are confined and to beat them with their clubs."

We are ready to substantiate this charge before the commission of inquiry, (*a*) by the production of large numbers of witnesses who have been thus beaten; (*b*) by proof of witnesses of the highest standing, including American citizens, who examined the cells of the prisoners shortly after the beatings and found the fresh blood still covering the walls of the cells; (*c*) by the production of prisoners whose injuries did not prove fatal, but who have been maimed and disfigured for life by the beatings of the soldiers and police.

In view of the conditions in Ireland as herein and heretofore set forth, which we earnestly insist can not be ignored if the peace of the world is to be accomplished, as well as the fact that if prompt action is not taken many more innocent lives may be lost, and further brutalities committed, with the apparent sanction of other nations; that evidence now in existence may be destroyed, and witnesses placed beyond the reach of the commission of inquiry, we respectfully request that you will be good enough to at once place these additional facts before the peace conference and urge upon it the necessity and justice of prompt acquiescence in the demand for a hearing before an impartial tribunal such as heretofore described.

With considerations of our continued esteem and great respect,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

Col. E. M. HOUSE,
Member of American Commission to Negotiate Peace, Paris.

DEAR COL. HOUSE: We inclose you herewith copy of letter which we are to-day sending to the President, in reference to conditions existing in Ireland.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

(Similar letters sent to Messrs. Bliss and White.)

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 17, 1919.

Hon. ROBERT LANSING,
Secretary of State and American
Commissioner to Negotiate Peace, Paris.

DEAR SIR: We inclose you herewith copies of letter which we are to-day sending to the President, in reference to conditions existing in Ireland.

We respectfully request that you transmit one copy of this letter to the Senate and one to the House of Representatives of the United States, in conformity with the customs and practices of your department.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 18, 1919.

Right Honorable LORD BIRKENHEAD,
Lord Chancellor of England,
House of Lords,
London, England.

SIR: We hand you herewith copy of letter sent on the 17th instant to the President of the United States, containing additional atrocities being com-

mitted by the English Government in Ireland, so that you may be informed. Copies of this letter have also been sent to Mr. Lansing, Secretary of State, for transmission to the Congress of the United States.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Similar letters were also sent to Messrs. David Lloyd-George, Bonar Law, the London Times, the Daily Mail, the Daily Herald, Manchester Guardian, the Morning Post, and other widely-known English newspapers.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, 18, 1919.

GENTLEMEN: Gen. Bliss has received your letter of 17 June, 1919, inclosing copy of letter of even date to the President in reference to conditions existing in Ireland, and has asked me to acknowledge its receipt, with his thanks.

Sincerely, yours,

W. B. WALLACE, *Colonel, General Staff.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Grand Hotel, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 19, 1919.

THE AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris.

GENTLEMEN: We inclose to you herewith copy of letter this day forwarded to Hon. David Lloyd-George, British prime minister, relating to the case of Countess Markievicz.

If your honorable commission can officially or individually aid in securing the release of this worthy woman, we beg to assure you that the ends of justice will be served thereby, and that it will be an act of humanity for which you will receive the kindly gratitude of many millions of people.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 19, 1919.

Hon. DAVID LLOYD-GEORGE,
British Prime Minister, Paris.

SIR: We desire to respectfully call your attention to the case of Countess Markievicz, and to enter our most solemn protest against the conduct of the British Government and its officials toward her.

On June 6, 1919, we had the honor to submit to you, for your official consideration and action as Prime Minister of Great Britain a report of certain atrocities and cruelties inflicted by the English army of occupation on the inhabitants of Ireland, with a demand for the appointment of a special committee of inquiry by the peace conference.

We have been advised that the Countess Markievicz, who is a member of the Irish parliament and minister of labor in the Irish republican cabinet, has been arrested and confined in jail upon an inconsequential charge; and that the punishment now being inflicted upon her is in the nature of a reprisal and in retaliation for giving information in regard to certain of the atrocities contained in our report.

We wish to point out that the Countess Markievicz is a woman of refinement, splendid intellectual gifts, courageous spirit, and of spotless character, and has a place deep in the affections of the people of Ireland as well as many millions in the United States.

During our interviews with the Countess Markievicz in Dublin a few weeks ago, we observed that while she is a woman of high spirit and strong will, her health is not robust, and we greatly fear that the harshness of jail life may result in her death.

Our reasons for making the charge that the cruelties now being inflicted upon the Countess Markievicz are in the nature of reprisals by the British Government are as follows:

(1) Much of the detailed evidence of atrocities committed against women prisoners in Ireland was furnished us by the Countess Markievicz.

(2) She has in her possession the evidence of certain unspeakable outrages, the details of which have not yet been published, but which we intend to submit to the commission of inquiry when selected by the peace conference.

(3) We have indubitable proof at hand that during the course of our investigation in Ireland the Countess Markievicz was shadowed by spies in the employ of the British Government, and direct threats were made against her during the progress of our inquiry.

(4) She was arrested on a frivolous charge after our report was sent to you, and while publication of it was absolutely forbidden in Ireland, where the facts were easily ascertainable, and during the time the same was being withheld from publication by the English press.

(5) The sentence imposed upon her is for a length of time which would keep her in jail during the inquiry that may be made by the peace conference.

(6) The alleged utterances for which she is now imprisoned were made a month or more before her arrest, and no action had been taken upon them, as we are informed, until after the receipt of our report on English atrocities by the chief secretary for Ireland, Mr. Ian MacPherson.

(7) That during our visit to Ireland we heard many public utterances of the same import as those for which the Countess Markievicz is in jail, delivered in and out of the Irish parliament, and upon which no action whatever was taken by the Government.

We sincerely hope that, animated by a decent regard for the opinion of mankind, which we know you cherish, and in view of the foregoing considerations, especially having in mind the danger to the life of the Countess Markievicz through continued suffering in jail, you will use your great powers and authority as prime minister of Great Britain to secure the immediate release of this worthy woman.

We have, moreover, reason to apprehend that arrests of other women who suffered atrocities on their own persons while in jail, or who were witnesses to them being practiced on others, are impending, and that it is the purpose of the English Government to imprison in Ireland or remove from that country men and women whose testimony may be indispensible to the proposed investigation.

We wish to assure you that we are not making this request at the instance of the Countess Markievicz, nor at the suggestion of the representatives of the republican government in Ireland, but on the grounds—

(*a*) Of our common humanity; and

(*b*) So that when the committee of inquiry is appointed those upon whom atrocities have been practiced, or who have witnessed the same, will not be dead, incarcerated in prison, or so broken in health as to be unable to attend the hearing.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman*,
E. F. DUNNE.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 20, 1919.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris.

GENTLEMEN: We beg to advise you that the American Federation of Labor at its national annual session now being held at Atlantic City, N. J., by unanimous vote adopted a resolution urging the international recognition of the republican form of government now existing in Ireland and urging the peace conference to give a hearing to Eamon de Valera, Arthur Griffith, and Count George Noble Plunkett on the case of Ireland.

May we point out some of the reasons which we respectfully submit should move your honorable body to make every effort to have this resolution complied with:

(1) The American Federation of Labor has enrolled in its membership more than 3,000,000 men and women, with a sphere of legitimate influence embracing many millions more.

(2) The American Federation of Labor contributed a high percentage to the overseas army of the American Expeditionary Forces.

(3) The organization was the basis and strong bulwark of the division of industry behind the military forces of the United States, without which the war could not have been won.

(4) Mainly through the efforts of this great organization, its veteran leader, and other officials the productivity of our country during the great World War was maintained at the highest point, and not one day's delay was occasioned in the production of essential war materials by strikes or labor disputes.

(5) The American Federation of Labor, aside from its purely industrial activities, is, we believe, without exaggeration, the most powerful force existent in the world to-day for the maintenance of that democracy cherished and practiced by us, and for the universal establishment of which America entered the World War; and to which the world must look for safety amid the clash of conflicting governmental ideas, ranging from the reactionary ambitions of monarchies and autocracies to the extreme dangers of unrestraint and chaos.

We also take this occasion to point out that since we made our original request to your honorable body on behalf of the Irish race in America, urging you to endeavor to secure a hearing for the Irish case before the peace conference, the United States Senate, with practical unanimity, has made the same request; and we have transmitted to you from bodies representing vast numbers of American citizens of all shades of political belief, composing all groups which make up our national life, cablegrams to the same effect.

In view of the fact that the day is so close at hand upon which we all earnestly hope the terms of peace will be signed, with the greatest respect, but with all urgency, we would ask the favor of a reply to the following questions:

(*a*) Has the American Commission to Negotiate Peace or any individual member thereof made a request to the general peace conference for a hearing for Messrs. de Valera, Grith, and Plunkett?

(*b*) Has your honorable body, or any individual member thereof, made a request to the peace conference for the international recognition of the Irish republic?

(*c*) Has your honorable body, or any individual member thereof, made request of the peace conference for any person or persons to present the case of Ireland, and its right to self-determination, to the peace conference?

(*d*) If all or any such requests have been made, have the same been considered by the peace conference; and if so, has answer thereto been received from the peace conference or any official representative thereof?

(*e*) If such requests have not been made, will your honorable body be good enough, in view of the manifold petitions and appeals herein referred to, and in the cause of humanity and justice, make such requests, or any thereof which you may deem proper; and if so, promptly advise us as to the result or make the same public, so that all of your petitioners may be advised.

With considerations of our great respect and esteem, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 20, 1919.

DEAR MR. PRESIDENT: We inclose herewith, for your information, copy of letter addressed to the American Commission to Negotiate Peace, which was this day delivered to Mr. J. C. Grew, secretary general.

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES, *Paris.*

(Similar letters were sent to Messrs. Lansing, House, Bliss, and White.)

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Paris, June 21, 1919.

MY DEAR SIR: I beg to acknowledge the receipt of your letter of June 17, which arrived during the President's absence in Brussels, and to say that I am bringing it to his personal attention.

Sincerely, yours,

GILBERT F. CLOSE,
Confidential Secretary to the President.

Mr. FRANK P. WALSH,
Grand Hotel, Paris.

AMERICAN COMMISSION TO NEGOTIATE PEACE.
Paris, June 21, 1919.

Mr. FRANK P. WALSH,
American Commission for Irish Independence,
Grand Hotel, Paris.

SIR: I beg to acknowledge, on behalf of the American Commission to Negotiate Peace, the receipt of your letter of June 20, in which you advise the commission of a resolution adopted by the American Federation of Labor at its annual session now being held at Atlantic City and ask certain questions with regard to the recent Senate resolution.

In reply to your letter I beg to inform you that, in accordance with advice which has already been given you, a copy of the said Senate resolution was forwarded to the president of the peace conference, Mr. Clemenceau. Mr. Clemenceau, alone, is competent to bring this whole question to the attention of the conference. Beyond this, of course—as you very readily will appreciate—neither the American commission as a whole nor any of its individual members can take any further steps in the premises.

I am, sir,

Your obedient servant,

J. C. GREW, *Secretary General.*

[Copy of telegram.]

PARIS, *June 25, 1919.*

IAN MACPHERSON,
Chief Secretary for Ireland, Dublin Castle, Dublin, Ireland.

Proof has been submitted to us at Paris that you are using your official power as well as the forces of the English Army of Occupation in Ireland to suppress our full reply to your answer to our report on conditions in Ireland, which was made on the 21st instant. Your answer, published broadcast, made denials of certain portions of our report and serious personal accusations against us. We are also advised that through the same instrumentalities you are suppressing altogether or causing to be printed garbled accounts of statements and affidavits made by individuals and officials in Ireland supporting the report of our commission and challenging the accuracy of your answer. We most earnestly protest against this unfair procedure and arbitrary abuse of authority as repugnant to the modern conception of justice and fair play held by right thinking men and women, which we had hoped applied to the English officials in Ireland as well as to the rest of mankind.

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

NOTE.—This telegram was never answered.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 27, 1919.

M. GEORGES CLEMENCEAU,
President of the Peace Conference and Premier of France, Paris.

Monsieur le PRESIDENT: We have received formal notification from the secretary general of the American Commission to Negotiate Peace that the whole Irish question is now referable to you alone.

We therefore beg leave, as the representatives of the Irish race in America, to submit to you copies of the following documents, i. e.:

(*a*) The repudiation by the representatives of the Irish republic of the usurped right of England to enter into obligations or agreements affecting Ireland.

(*b*) Official report of the American commission on Irish independence on conditions in Ireland with demand for investigation by the peace conference.

Pending action by the full peace conference upon the request already submitted to you by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the envoys of the Irish republic at Paris, for a full hearing before the peace conference, we desire to urge upon you the urgent necessity of the early creation of an impartial commission of inquiry to investigate and report upon the actual state of war now existing between the people of Ireland and the English Army of occupation, with especial reference to the atrocities and acts of barbarism still being perpetrated.

Since the filing of our original report with President Wilson and the American commission to negotiate peace, the following acts of savagery are being perpetrated by the English Army of occupation on the Irish people, which we submit are in violation of the rules of civilized warfare, and which, if permitted to continue, will render impossible the just pacification of the world for which its people are so earnestly striving:

(1) Lives are being taken, or men and women are being maimed and wounded daily.

(2) An organized effort to destroy the homes of the peoples of Ireland is being waged;

(3) Orders of banishment are issued frequently against people, commanding them to leave their homes at the risk of death and under penalty of imprisonment;

(4) Raids are being made upon peaceful towns and villages by aeroplanes;

(5) The homes and places of business of the inhabitants are being invaded and ransacked; looting is being carried on in a most shameful manner;

(6) Property of great value is being confiscated, for which reparation will be impossible, unless opportunity is quickly given to prove and inventory the losses;

(7) Barricades and emplacements for artillery and machine guns are being erected, which menace the lives and property of the people;

(8) The meeting places of the workers of Ireland are surrounded by machine guns, so that the workers are in imminent peril of death while endeavoring to carry on the lawful and ordinary activities of their organizations;

(9) Reprisals of a cruel and unusual character are being practiced in retaliation for the efforts to present the case of Ireland to the peace conference;

(10) Delicate and aged men and women are being confined in noisome and insanitary jails solely on account of their political opinions.

As the president of the peace conference, to which the peoples of the world are looking for the establishment of peace, and the adoption of instrumentalities which will put an end to existing wars and prevent future conflicts, we most earnestly urge upon you the immediate presentation of the accompanying documents to your honorable body, and the great necessity for early action thereon.

With considerations of our high esteem and respect, we are,

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

[Personal and urgent.]

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, July 22, 1919.

M. GEORGES CLEMENCEAU,
President of the Peace Conference and Premier of France, Paris.

Monsieur le PRESIDENT: We are in receipt of information from sources of high authorities that, as president of the peace conference, you have notified American peace plenipotentiaries that, so far as further consideration of the Irish question is concerned, the matter is one in which you will take no action.

We understand this decision covers:

1. That the resolution of the American Senate, officially forwarded to you by the American Commission to Negotiate Peace, and the recommendations contained therein expressing sympathetic support to the people of Ireland in their efforts to obtain a government of their own choice, is, by this action, denied in a manner suggestive of your entire disregard of American public opinion as rendered in the deliberate resolution of our highest legislative body.

2. That the peace conference further ignores the request of the Hon. Messrs. Walsh and Dunne for the appointment of an international tribunal to investigate into the charges of barbarities and inhuman conduct, in violation of the rules of civilized warfare, perpetrated by the British Government through its military forces in occupation of Ireland, and upon its defenseless people.

The knowledge of your decision in these matters, has been up to now withheld from the American public. The results of the publication of this information will doubtless have very material weight at this time while the attention of the United States Senate is occupied in matters of international importance, in which, we feel France has a material interest. Arrangements have already been made for giving widespread publicity in America to this decision on your part. But before taking this step, we respectfully suggest that an audience may be granted by you to the undersigned to present the importance of the situation, particularly in this relation to the future interests of France, of America, and of Great Britain.

There are 20,000,000 citizens of Irish blood in the United States, and the effect of this information, when published there, needs no characterization by us to indicate how grave may be the danger to the continuance of those same relations of amity and esteem that have marked the friendships existing between the French, American, and Irish peoples.

Trusting that I may be accorded the honor of this audience with you at your earliest possible convenience, and, with assurances of high esteem and respect, we have the honor to remain,

Sincerely, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
JOHN ARCHDEACON MURPHY,
Commissioner in Charge.

REPORT ON CONDITIONS IN IRELAND WITH DEMAND FOR INVESTIGATION BY THE PEACE CONFERENCE.

The Irish race convention held in Philadelphia on the 22d and 23d of February, 1919, provided by resolution for the appointment of a committee of 25 by the chairman, and instructed it to use all honorable means to secure for Ireland her right of self-determination.

This general committee selected from its own body Frank P. Walsh, of New York, former Gov. Edward F. Dunne, of Illinois; and Michael J. Ryan, of Philadelphia, as a special commission to go to Paris. The instructions of this special committee were as follows:

"To obtain for the delegates selected by the people of Ireland a hearing at the peace conference, and to place before the conference, if that hearing be not given, the case of Ireland; her insistence upon her right of self-determination; and to international recognition of the republican form of government established by her people."

Upon their arrival at Paris a letter signed by all the commissioners was addressed to President Wilson asking him to obtain from the British Government safe conducts for Eamon de Valera, Arthur Griffith, and Count George Noble Plunkett, the representatives selected by the people of Ireland, from Dublin to Paris and return; and also asking him to accord an interview to the American commission.

In response to this letter the President wrote to Mr. Walsh, chairman of the commission, granting him an interview, and fixing the time.

The President gave an exhaustive hearing to the case as presented by Mr. Walsh, and referred him to Col. E. M. House with instructions to say that he believed the request a proper one, and that it should be granted.

The entire commission waited upon Col. House, advised him of the suggestion of the President, and presented the request in writing for safe conducts for Messrs. De Valera, Griffith, and Plunkett. Col. House promised to take the matter up with Mr. Lloyd-George immediately and to use every effort to have the safe conducts granted.

Upon the following day Col. House announced to the commission, who again called upon him in a body, that he had communicated with the prime minister of England, and that in all likelihood the safe conducts would be granted; but that Mr. Lloyd-George was very desirous of having an interview with the American commissioners personally and would be glad to have Chairman Walsh take up the matter of fixing the time and place for the meeting with Mr. Lloyd-George's confidential secretary, Mr. Philip Kerr.

The commission notified Col. House at once that they did not seek a conference with Mr. Lloyd-George; doubted very much the wisdom or propriety of meeting him, but finally agreed to do so as a matter of courtesy.

Later in the day the entire commission called upon Col. House and stated that, under no circumstances did they wish to be relegated to Mr. Lloyd-George on the question of the issuance of the safe conducts, but were relying upon him, Col. House, as one of the American commissioners, to secure compliance with the request, if possible. With this clear understanding they would meet the Prime Minister.

Mr. Lloyd-George, on the plea of being closely occupied with the preparation of the German peace terms, put off the proposed meeting with the delegates from time to time, covering a period of something like two weeks.

The American commission finally called upon Col. House, explained once more that no part of the duties of their mission called for a meeting with Mr. Lloyd-George, and asked him to address a formal request for the safe conducts for Messrs. De Valera, Griffith, and Plunkett, to Mr. Lloyd-George, and secure, if possible, a prompt and direct answer to that request.

Upon the same day, and shortly before the visit of the commission to Col. House, Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the representative of the Irish republic in Paris, conveyed an invitation from President De Valera to the commission to visit Dublin, and gave, among other reasons, the necessity for a conference upon matters of grave importance at the time transpiring in Ireland.

When we arrived at the office of Col. House in the Hotel Crillon that evening to receive an answer from Mr. Lloyd-George, we found Sir William Wiseman, the liaison officer between the American and British embassies in Paris. He presented the apologies of Mr. Lloyd-George for the delay, and said that Mr. Lloyd-George would like to fix a time for the interview upon some day of the following week. Mr. Walsh, speaking for the commission, replied that if they were to remain another week in Paris before receiving an answer to their request for the safe conducts, they wished to use the time in a visit to Ireland for the purpose of meeting the representatives of the Irish people and of making a first-hand investigation of conditions in Ireland.

As the passports of the members of the commission did not include England and Ireland, it was necessary to have them amended, which was expeditiously done, the amended passports reading that the members of the commission were going to Ireland on an "unofficial political mission," and the forms of the passports were made diplomatic, which greatly facilitated their movements.

It should be noted that after the visit to Ireland demands were made in the English Parliament for a full report from the prime minister as to whether or not it was true that he intended issuing safe conducts to the Irish representatives, and also if it was his purpose to have an interview in Paris with the members of the American commission.

Mr. Bonar Law, leader of the House of Commons, made official answer for the prime minister and stated that Mr. Lloyd-George had not and never had the slightest intention of granting safe conducts to the Irish representatives. He said that Mr. Lloyd-George had agreed to the visit of the American commission to Ireland, hoping upon their return that he could press upon them the "English point of view," to be used as propaganda in America.

The lord chancellor, officially replying to the same questions in the House of Lords, likewise denied, on behalf of the prime minister, that there was ever any intention to grant safe conducts to Messrs. De Valera, Griffith, and Plunkett, and declared it was the purpose of the prime minister to have present at his interview with the American commission upon their return from Ireland all of the American newspaper correspondents, so that he (the prime minister) might make a statement of England's attitude on the Irish problem which would tend to allay the growing prejudice against England in the United States.

When the passports were handed to the American commissioners on the morning of their departure for Ireland, Sir William Wiseman stated that Mr. Lloyd-

George wished the commission to go to all parts of Ireland, if possible and it was his especial request that they should visit Belfast.

Upon repeating Sir William Wiseman's resuest to Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the envoys of the Irish republican government at Paris, they joined in the request that we should make a close investigation of conditions in Ireland, and especially urged that we should visit the jails, particularly those in the larger cities, where, they asserted, hundreds of men and women were confined under circumstances of the most shocking nature.

Crossing the Irish Sea from Holyhead to Dunleary we came upon the first evidence of the military occupation of Ireland. The vessel and wharves swarmed with soldiers, fully equipped for the field, going to and coming from Ireland.

When we arrived in Ireland we found soldiers everywhere. A careful investigation made on the day before we left Ireland showed that the army of occupation numbers considerably over 100,000 men, to which accessions are being made daily. The troops are equipped with lorries, armored cars, tanks, machine guns, bombing planes, light and heavy artillery; and in fact all of the engines of war lately employed against the Central Powers.

In addition to this there are approximately 15,000 members of the Royal Irish Constabulary. The constabulary is a branch of the military forces. They are armed with rifles, as well as small side arms, engage in regular drill and field maneuvers. They are never residents of the districts which they occupy, and have quarters in regular government barracks.

After our arrival in Ireland we conferred with President De Valera as to the prisons which we should visit, and Mountjoy Jail, in the city of Dublin, was selected, for the reason that it contained a large number of political prisoners, many of them men of the highest character and standing. Mountjoy, so far as physical equipment and brutality of conduct goes, is not as bad as many of the other jails in Ireland.

We made our demand for permission to visit this jail through the municipal authorities of the city of Dublin. The governor of the prison, a resident of England, who had been in office but a few weeks, refused us admission. It was then explained to Sir John Irwin, chairman of the visiting justices of Mountjoy prison, that the commission was traveling on diplomatic passports and was investigating conditions in Ireland, partly at the solicitation of the prime minister. With this explanation Sir John Irwin, who is in supreme authority of the jail, overruled the decision of the governor and we were admitted to Mountjoy.

When we appeared at the gate we were ushered into the office of the governor, where we found Sir John Irwin. The governor told us that we were to be admitted to the prison, but with the understanding that we should not speak to any prisoner nor seek to fix the identity of any prisoner exhibited.

Although Mountjoy is called a jail it is, as a matter of fact, a combination of jail and penitentiary. It is surrounded by a stone wall 20 feet in height, and is larger than any of the midwestern American penitentiaries, such as Jefferson City or Joliet, and almost as large as Sing Sing. It has immense cell houses, built to accommodate approximately 1,000 prisoners. It is equipped with workshops, where men convicted of serious crimes are confined at hard labor. It is also used for the confinement of persons awaiting trial, as well as misdemeanants serving sentences for petty offenses.

Exclusive of the political prisoners, there were but 12 persons in confinement, all of them undergoing sentence for petty infractions of law.

One of the men who accompanied us upon the visit was an official of the city of Dublin, well acquainted with all of the political prisoners, so that we had no difficulty in identifying them. They were confined for the most part in groups, the majority of them being locked up in steel cages built in the yards of the prison, entirely outside of the buildings proper. These cages are exact duplicates of those used for wild animals in the larger zoological gardens such as Lincoln Park and the Bronx in the United States.

Statements had been made that unspeakable outrages were being committed against the persons of these men and the most barbarous cruelties inflicted upon them. That they had been starved, beaten, confined in dark and noisome underground cells, otherwise maltreated, and kept for days with their hands handcuffed behind their backs.

We attempted to secure statements from the officers, either confirming or denying the charges. We were permitted to talk to no one inside the prison except the governor. He stated that no such barbarities had been committed

since he had taken charge of the prison a week or two before. He refused to speak for any time prior to that. He at first denied that there were underground cells in the prison. We had been furnished, however, with a plan showing their location, and upon our insistance we were allowed entrance. We found a great number of cells underground too narrow for human occupation, without beds or covering for the prisoners, no ventilation, pitch dark, and extremely cold, although the weather at the time was not severe. The chief warden admitted that these cells were at times occupied by prisoners.

Our information, well authenticated, is to the effect that a large number of political prisoners were taken out of the underground cells after we had demanded admission the night previous.

We found one of the political prisoners still in solitary confinement. He presented a pitiable spectacle. The miserable cell was cold and badly ventilated. He was in an unkempt condition, highly nervous, palpably undernourished, and had a wild glare in his eyes, indicating an extremely dangerous mental state. He tried to speak to us, but was quickly silenced by the warder.

The political prisoners in this jail, without exception, are men of the highest standing—journalists, lawyers, business men, skilled tradesmen, and laborers. Many of them, confined for months, have not been informed of the charge against them. All of them are denied the right of trial by jury. When charges are made—often of the most trivial character—bail is denied. They were all emaciated and appeared to be suffering from malnutrition. Of the thousands of German prisoners we have seen in France none of them showed such wretched physical condition or had countenances so marked with pain as the prisoners in Mountjoy.

As we were leaving the prison we were attracted by shouts in the rear of the main hall of the prison. Looking around we saw Pierce Beasley, one of the political prisoners, an Irish journalist of the highest standing, and one of the most beloved men in Ireland, being hustled through the back door-way by a burly prison guard.

Beasley cried out, "I want to call your attention to the fact that this brute who has me in charge is about to punish me for saying, 'Long live the republic.'" We immediately protested against the assault on Mr. Beasley. The governor of the prison hastened back to where the men were, and, after a hurried whispered conversation with the guard, returned and said that we could be assured that no punishment would be inflicted upon Mr. Beasley.

Upon our return from the prison we were furnished with detailed statements of others who had been confined in the prison, exposing the vilest atrocities committed against prisoners.

Having received information that there were a large number of prisoners confined in a smaller prison in the town of Westport, County Mayo, which place was invested by troops, we announced our intention after leaving Mountjoy jail, of visiting Westport. Shortly before the departure of our train upon the following evening two policemen appeared at our apartments, and handed us an unsigned typewritten letter, notifying us that we would not be permitted to enter the town of Westport, the only reason given being that it was "within a military area." We proceeded, nevertheless, to Westport.

As we approached the town a company of soldiers met us about three miles out, and the lieutenant announced, in a surly tone, that under no circumstances would we be permitted to enter. We demanded to see the colonel, to whom we showed our passports, repeated the message of Mr. Lloyd-George delivered through Sir William Wiseman, to the effect that he wanted us to visit all of Ireland, explained that we were conducting an investigation under the authority of the Prime Minister. We advised him that we understood that revolting conditions existed in Westport. The colonel, however, declared that he would take the full responsibility of not complying with the request of even so high a personage as the Prime Minister of England, though he stated that he was acting on orders from the Government officials in Dublin.

Many of the persons we met in the vicinity corroborated the stories of brutal treatment to which prisoners in the Westport jail were being subjected, the details being horrible beyond belief.

During our visit to Ireland we witnessed numerous assaults in public streets and highways with bayonets and clubbed rifles upon men and women known to be republicans, or suspected of being in favor of a republican form of government. Many of the outraged persons were men and women of exemplary character and occupying high positions in the business and professional life of the country.

We took statements covering hundreds of cases of outrage and violence committed by the officers and representatives of the English Government in Ireland, the details of which we set forth herein.

The excesses and atrocities detailed are either being actually committed at the present time or have been committed within the recent past, as a part of a scheme and plan to crush out and repress the effort of the Irish people to establish a republican form of government in Ireland.

Upon the basis of what we witnessed ourselves, as well as statements of men and women of unimpeachable integrity, we make the following specific charges:

(1) Within the past few months at least 10 citizens have been killed by soldiers and constables under circumstances which in a majority of the cases coroners' juries found to be willful murder under the laws of England; the last man having been murdered in this way less than one month ago.

In all of these cases the perpetrators of the crimes have gone unpunished.

(2) Hundreds of men and women have been confined for months in the vilest prisons without any charges being preferred against them.

(3) At least five men have died as the result of atrocities perpetrated upon them while in prison, the post-mortem examination in some of the cases disclosing marks of violence upon the bodies of the victims.

(4) Prisoners are confined in narrow cells with hands handcuffed behind them day and night. In this condition they are fed by jail attendants. They are permitted no opportunity of answering calls of nature, and are compelled to lie in their clothing, befouled by human excrement, for days at a time.

(5) Persons are confined in cells which are not large enough for one man. They are not provided with beds or bunks of any kind, but are compelled to sleep upon the bare floors. There are no toilet facilities or receptacles to contain the human offal, which necessarily accumulates upon the floors where men are compelled to sleep in the filth night after night.

(6) The food is insufficient and unwholesome. Prisoners, men and women, are compelled to live for days upon water and poorly baked sour and stale bread.

(7) Hundreds of men and women have been discharged from jail with impaired constitutions, and are in many cases incurable invalids as a result of their treatment.

(8) During the past winter and spring streams of ice-cold water were poured upon men confined in jail, and they were compelled to lie all night on cold floors in unheated cells in their wet clothing. Many of them were afterwards removed to outside hospitals suffering with pneumonia.

(9) Police and soldiers are habitually permitted to enter the cells where political prisoners are confined and to beat them with their clubs.

(10) Solitary confinement in most horrible form is generally practiced. Numbers of prisoners have been taken directly from the jails to insane asylums, rendered maniacs by their treatment.

(11) Large bodies of political prisoners, in certain jails, have beep kept without any food whatever for days at a time.

(12) The right of privacy no longer exists in Ireland. The homes of the people are constantly being invaded by armed men, and the occupants, including delicate women and young children, cruelly beaten and otherwise maltreated.

(13) The children of suspected republicans, many of tender years, are kidnapped and their parents kept in ignorance of their whereabouts for weeks.

(14) Women and children of refinement and respectability are arrested without warrant, and in company of rough and brutal soldiers transported to distant parts of Ireland and England, where they are confined in jail with the lowest prostitutes, some of whom are suffering from vile diseases, and are compelled to use the same toilet facilities and thus expose themselves to the danger of infection.

(15) The right of private property no longer exists in Ireland. Places of business of republicans are invaded by soldiers and constables, fixtures destroyed and property confiscated without compensation. In many cases the owners of such businesses and property are utterly impoverished.

(16) Heads of hundreds of families have been jailed or deported, leaving dependent women and children without means of subsistence, and rendered objects of public charity.

(17) Men and women on mere suspicion of having republican sympathies are being taken from their homes and arrested upon the streets and highways

of Ireland; deported to England, or confined in jails in remote places, while their distracted families are kept sometimes for many months in ignorance of their whereabouts.

Among the leaders of the republican movement in Ireland, many of whom have had these atrocities practiced upon their persons, are lawyers, such as Edward Duggan, George Nichols, and John Hanrahan, who rank relatively with such men in the United States as Morgan J. O'Brien, John B. Stanchfield, Levi Mayer, or A. Mitchell Palmer.

Some of the men whom we actually saw in jail, in a pitiable condition, were newspaper men who rank with Henry Watterson, or the late Col. William R. Nelson, of Kansas City. This comparison is made because two of the prisoners in Mountjoy, Messrs. Pierce Beasley and William Seares, are the owners or principal stockholders of papers which they edit themselves. Many others we actually saw in prison are working newspaper men and correspondents of high-class publications, such as Charles H. Grasty, Frank H. Simmonds, and Herbert Bayard Swope.

Among the men we saw in prison are stock raisers and farmers, business men of large affairs, and literary men of brilliant parts and of the highest character.

We witnessed while in Ireland a brutal and unprovoked assault by an English colonel and a crowd of soldiers upon the person of Prof. John Mac Neill. Prof. Mac Neill is a member of the faculty of the National University, is an educator and publicist of the highest type, a member of Parliament, and occupies relatively the same position in Ireland that William Howard Taft or Nicholas Murray Butler does in the United States.

EDUCATION.

If England ever had an educational system in Ireland it has completely broken down.

The Irish people are taxed more for the support of the police and constabulary, although the country is practically crimeless in the ordinary sense, than they are for the maintenance of the whole educational system of Ireland, including the upkeep of the National University, Trinity College, as well as all the primary and other schools in the land.

School teachers in the primary schools are paid as low as $4 per week.

No system of hygiene or sanitation has been installed. The teeth of practically all the children are in decay, and respiratory and throat troubles exist to an alarming degree.

Lack of decent clothing and undernourishment is keeping thousands of children out of school.

ANTISOCIAL CONDITIONS.

In the city of Dublin alone there are 20,000 families, on an average of five to each family, living in one-room tenements. Infant mortality is appalling. Destitution and hunger are rife.

Municipal bodies and private persons attempted to extend relief, but such activities must have the sanction of the English Government, which is difficult, if not impossible, to obtain.

LAND LAWS.

The much vaunted land laws have not appreciably aided in decreasing poverty in the agricultural districts.

Leaving out of the question the manifold defects and hardships in the operations of the law, all the farmer might gain by his ownership of the land is taken away from him by unjust taxes and monopolistic control of the necessaries of life.

When the first land law was passed in 1881 the direct per capita tax in Ireland was about $6 per head. At the present time the direct taxation, imposed by British law, amounts annually to the enormous sum of $45 per head.

Indirect taxation of the people can not be accurately estimated, but is higher proportionately than in any other country in the world.

The age-old curse of absentee landlordism still cuts deeply into the economic heart of Ireland. Hundreds of thousands of its most fertile acres are owned by foreigners. As quickly as the rich crops are garnered they are taken out of

the country, and this immense food supply and almost infinite source of wealth is lost to her people forever.

England has cut off Ireland from the outside commerce of the world, allows no ship to come trans-Atlantic to her ports, and thus controls the prices of the necessaries of life for her inhabitants.

This combined system of taxation and monopoly automatically takes away the legitimate profit from the farmer, no matter how fertile the land, propitious the season, or energetic the individual, and sucks the life blood out of all industry.

LABOR.

Ireland has the best organized and most coherent labor movement in the world. It is being thwarted and suppressed by the army and constabulary. Wages of unskilled workers are below a line which means to them, hunger, cold, and privation. The wage of skilled labor is far below the minimum for decent existence.

In many of the larger cities and towns the trade-unions have a 100 per cent organization. We met and interviewed almost all of the national leaders of labor. The heads of the National Irish Labor Party, which is in control of the situation, are, without exception, ardent republicans, fully alive to their rights and insisting on self-determination for Ireland. They have all been the innocent victims of atrocities against their own persons such as are enumerated herein, in the jails of Ireland and England.

They work along traditional trade-union lines. If their country is not freed of foreign control and exploitation, and quickly, many of them declare that in sheer defense of their own lives, they will be compelled to set up local Soviet governments, and refuse longer to produce wealth for their oppressors.

THE REVOLUTION.

Ireland for the first time in more than 100 years is absolutely cut off from England, its regularly elected members of Parliament having with few exceptions refused to go to Westminster. They are attempting, under the guns of the English soldiers, to hold orderly sessions in the Mansion House in Dublin.

There is a military organization of approximately 200,000 republican volunteers of fighting age, poorly equipped as to arms, and without artillery. They appear to be well officered, and seemingly maintain a perfect organization, engaging in daily drills and frequent maneuvers. Upon all sides may be heard declarations that they are ready to fight and die for the right of self-determination, no matter how great the odds against them may be.

Guerilla warfare of the character which usually precedes major conflicts is now going on in Ireland. Almost every day there are fights between small detachments of the army of occupation and groups of republican volunteers. One day the British soldiers prevail, with the result that citizens are killed. In another day or two perhaps the republican volunteers are successful, with the result that soldiers are killed. Frequently the British soldiery wound and capture the volunteers, and in turn the volunteers kill or wound the soldiers and retake the prisoners.

With a ferocity unparalleled even in the history of modern warfare, within the past few days men and women have been shot down in the streets of Dublin.

The killing by the British Government of these republican volunteers would not settle the Irish problem. Those below the fighting age, and even the children of Ireland, are singing The Soldier's Song, shouting "Long live the republic," and trying to enlist in the revolutionary movement.

ENGLISH TESTIMONY.

Mr. Erskine Childers, an English writer of high repute, who served Great Britain throughout the war in the Royal Naval Flying Corps, coming out a major, made the following declaration in regard to the Irish situation in the London Daily Herald of May 26, 1919:

"I could bomb a crowd from an aeroplane with a better conscience (and more skill) than engage in this cold blooded systematic condemnation of respectable people to the rigors and ignominies of jail life—to loss of health, loss of business and career, too often to loss of life; not for breaking the moral law, but in very truth or obeying that universal law which impels men worthy of the name of men to become free."

Lord Cavendish Bentinck, a Unionist member of the House of Commons, within the last month declared upon the floor of that body, that England was not governing Ireland, but was engaged in a mere scuffle with the Irish people.

The lord chancellor of England, in an official report to the House of Lords within the last fortnight, made the confession that the vast majority of the people of Ireland were now in open rebellion against the rule of the British Government.

Right Hon. Herbert H. Asquith, former prime minister of Great Britain, made the following statement upon June 2, 1919, which appeared in to-day's London Daily Mail:

"Lord French is at present viceroy of Ireland, which to-day is the darkest of the dark spots on the map, not of Great Britain, but of the world."

DEMAND FOR INVESTIGATION.

All of the charges herein made are based upon the actual observation of the signers while in Ireland, or upon the statements of men and women of unimpeachable character, who are prepared to make direct legal proof of every crime and atrocity set forth.

The Govenment of Great Britain, up to this time, has measurably succeeded in hiding the details of these atrocities from the peace conference and the people of the world. From time to time, when crimes and atrocities are forced into publicity, they are met in three ways.

(1) Some distinguished English statesman or high official, usually one without personal knowledge of the facts, solemnly denies the truth of the charges.

(*b*) The British press impressively and unanimously denounces the charges as false, and carries many communications from persons claiming to have knowledge of the facts, and bearing testimony to their falsity.

(*c*) Government investigations before partisan judges, where testimony is controlled by implicated officials, resort often being had to intimidation of witnesses and subornation of perjury.

In order that the peace conference may act in the light of knowledge of the conditions, and be fully advised as to the effort of England to keep the people of Ireland in subjection by military power and violence, in contravention of the principles for which the peace conference was convoked, we respectfully urge the appointment of a commission to ascertain the facts and report the same to the peace conference, and respectfully submit the following alternative suggestions as to its formation and appointment:

(*a*) That an impartial committee be appointed by the peace conference, authorized to sit in the cities of Dublin and London, to take testimony as to the alleged facts herein set forth.

None of the members of such committee to be residents or citizens of Great Britain, Ireland, or any of the countries under the domination of Great Britain, or over which that country claims to exercise a protectorate or control.

(*b*) That a committee of seven be selected immediately in the manner following.

The prime minister of England shall select three members; the elected representatives of Ireland, including Unionists, Nationalists, and Republicans, shall, by a majority vote, select three members of said committee; that the six members thus selected shall agree upon a chairman, who shall be a resident and citizen of the United States, France, or Italy. In case of inability or failure to agree upon a chairman, the selection shall be made by the Supreme Court of the United States. That the Government of Great Britain and the elected members of Parliament from Ireland, as aforesaid, shall each have the right to select its own counsel, to conduct the examination of witnesses and assist in the investigation, the only restriction being that counsel so selected shall be reputable members of the legal profession in good standing in the country of which he or they are citizens.

We sincerely urge that if the peace conference refuses a hearing to the people of Ireland, in these circumstances, the guilt for the commission of these monstrous crimes and atrocities, as well as for the bloody revolution which may shortly come, must, from this time forward, be shared with Great Britain by the members of the peace conference, if not by the peoples whom they represent.

Respectfully submitted.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

PARIS, *June 3, 1919.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

DEAR MR. PRESIDENT: We have the honor to hand you herewith report on conditions in Ireland with demand for investigation by the peace conference.

On account of the serious and critical situation exposed by the report, we beg that you will be good enough to give this document your careful consideration, and also to present the same to the full peace conference or to the committee of the five great powers, whichever may be the proper course under the practice of the conference.

With assurances of our great respect and esteem, we are,

Sincerely,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman*,
E. F. DUNNE.

The PRESIDENT OF THE UNITED STATES,
Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: We have the honor to hand you three copies of document entitled "Report on conditions in Ireland, with demand for investigation by the peace conference," which we have this day transmitted to the President, with copy to Hon. David Lloyd-George, prime minister of England.

In view of the fact that the Senate of the United States is now considering the subject of a new treaty or treaties with the Government of Great Britain, and on account of the further fact that the House of Representatives has heretofore passed a resolution in favor of Ireland's right of self-determination, which has not been acted upon by the peace conference, unless in secret session, of which we have had no advices, we respectfully request that you kindly transmit one copy of this document to the Senate and one to the House of Representatives of the United States, in conformity with the customs and practices of the State Department.

With assurances of our great respect and consideration, we are,

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman*,
E. F. DUNNE.

Hon. ROBERT LANSING,
Secretary of State of the United States, Paris.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 6, 1919.

SIR: Complying with your request of May 1, 1919, made through Sir William Wiseman, and assented to by Messrs. Sean T. O'Ceallaigh and George Gavan Duffy, the representatives at Paris of the Irish republican government, that we visit every part of Ireland, and especially Belfast, to ascertain the actual conditions existing in that country.

We have the honor to inform you that we have, except where prevented by the use of the military forces of the English army of occupation, visited the four provinces of Ireland, including Belfast, as well as the other principal cities and towns.

We have prepared a report covering the facts, with certain recommendations.

In order that the Government of Great Britain may be informed, we herewith hand you copy of this report, which, in addition to the presentation of facts, contains a demand for an investigation under the authority of the peace conference.

We also wish to advise your Government that the original of this document has this day been handed to the President of the United States, and that copies have been transmitted to the House of Representatives and the Senate of the United States, through the Secretary of State.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman*.
E. F. DUNNE.

Hon. DAVID LLOYD-GEORGE, *Prime Minister of England, Paris.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

YOUR MAJESTY: We herewith transmit to you our "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addresser to your prime minister, Mr. David Lloyd-George.

The original of this report has been delivered to the President of the United States for presentation to the peace conference, and copies have been forwarded to Hon. Robert Lansing, American Secretary of State, for transmission to the Congress of the United States.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

His Majesty GEORGE V, *King of Great Britain, London, England.*

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: Upon the 22d ultimo, during the proceedings in the House of Lords on that date, as published in the London Times, you made a statement, in reply to a question of Viscount Midleton, as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith, for presentation to the House of Lords, this report, together with copies of letter addressed to Hon. David Lloyd-George, prime minister.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Right. Hon. Lord BIRKENHEAD,
Lord Chancellor of England, House of Lords,
London, England.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: Upon the 14th ultimo, during the proceedings in the House of Commons on that date, as published in the London Times, you made an official statement as to the intentions of the prime minister with reference to giving publicity to the result of the findings of our investigation of conditions in Ireland.

We beg, therefore, to submit to you herewith, for transmission to the cabinet, this report, together with copies of letters addressed to His Majesty King George V and Hon. David Lloyd-George, prime minister.

Respectfully,

AMERICAN COMMISSION ON IRISH INDEPENDENCE.
FRANK P. WALSH, *Chairman.*
E. F. DUNNE.

Mr. BONAR LAW,
Leader of the House of Commons,
London, England.

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, June 8, 1919.

SIR: We have the honor to hand you herewith "Report on conditions in Ireland with demand for investigation by the peace conference," together with copies of letters addressed to the President of the United States, the American Secreary of State, and the Hon. David Lloyd-George, British prime minister, upon the same subject.

As you are doubtless aware, charges have been made that matters deeply affecting the peace of the world, such as the condition of Ireland, are habitually suppressed by English newspapers. In order that your paper may be thor-

gun emplacements have been erected and guns mounted thereon by the military engineers of the Army of Occupation, so that Liberty Hall in Dublin, the headquarters of the Irish National Labor Union, may be subjected to destructive assaults at a moment's notice.

INDISPUTABLE PROOF OF OTHER CHARGES.

These, as well as the other charges in the original and supplemental report of the investigators, we are ready to substantiate not only by the testimony of the victims, but by hundreds of disinterested witnesses, including past and present members of the English Army and Royal Irish Constabulary, who, sickened at the atrocious acts they were called upon to perform and witness, either resigned their commissions or now stand ready to sacrifice their careers in the interest of humanity and justice.

The issue now has been clearly made and formally submitted to the people of the United States and the world by the official reports of the American Commission on Irish Independence and the formal reply of Hon. Ian MacPherson, chief secretary for Ireland, representing Great Britain in the controversy. We respectfully submit, not only in justice to the character of the signers of our original report, which we assert to have been unjustly and maliciously assailed, but to the cause of a righteous and enduring peace, that unless the English Government quickly agrees to the institution of an impartial court of inquiry by the peace conference its case should go by default and England must stand convicted by thinking mankind as a cruel marauder of human rights and the one remaining government of the world imposing its rule upon others by force of arms and exploiting weaker peoples by ugly might alone.

FRANK P. WALSH,
Chairman American Commission on Irish Independence.

NEW YORK, *August 4, 1919.*

[Copy of cablegram.]

NEW YORK, *August 8, 1919.*

IAN MACPHERSON,
Chief Secretary for Ireland,
Dublin Castle, Dublin, Ireland:

Am forwarding you by mail to-day reply to your statement denying facts set forth in report of American Commission on Irish Independence, dated June 3, 1919, so that you may be advised. Meantime I can not overlook the issue of personal veracity and honor which you have injected into the controversy. This is to inform you that unless you immediately join in request for appointment of impartial committee of inquiry by the peace conference I shall publicly stigmatize you as a falsifier and your answer to our report as a piece of willful mendacity on the part of a high official unparalleled in the field of crooked politics.

FRANK P. WALSH,
Chairman American Commission on Irish Independence.

Mr. WALSH. I want to say, of course, Mr. Chairman and Senator Fall, that we will be very glad to accede to whatever is the pleasure of this committee.

Senator JOHNSON of California. We want nothing secret, Mr. Walsh.

Mr. WALSH. I think it is a good idea. Neither do we want anything secret. At the same time, there were certain elements about it that we thought they would prefer to have held confidential.

Senator JOHNSON of California. They were our delegates, were they not?

Mr. WALSH. Yes; and we claim, and I presented a legal argument to Secretary Lansing on the proposition, that they had in no way divested themselves of their official character; that they were sent over there for this purpose; that they not only had the right to

attend to the matter in hand, but that they had the right to hear any representative American citizen in any sort of representative capacity that had anything to present. We will be glad to submit these documents under whatever rules you may be pleased to make.

(Subsequently the committee ordered the confidential documents to be made a part of the record, and they are here printed, as follows:)

INTERVIEW BETWEEN PRESIDENT WILSON AND MESSRS. EDWARD F. DUNNE AND FRANK P. WALSH, AT THE PRESIDENT'S HOUSE, 11 PLACE DES ETATS UNIS, PARIS, WEDNESDAY, JUNE 11, 1919.

Mr. Walsh and Gov. Dunne called upon the President by appointment at 2.15 p. m.

Gov. Dunne started by saying that Mr. Walsh would open the case concerning which we called.

Mr. Walsh stated to the President that we had come to see him to ask him if he would not secure a hearing for us before the "Big Four," or whatever other committee might be delegated to hear the case of Ireland. That we had made a formal request of Mr. Lansing for safe conduct for Messrs. de Valera, Griffith, and Plunkett, and had received a communication from him to the effect that it would be futile to make the request. The President interrupted Mr. Walsh and said, "That is an official request, Mr. Walsh." Mr. Walsh stated that he had not been able to disentangle this official and unofficial business. He said, "What I am talking about is the denial of our request that the Americans should intervene to get the safe conducts for these men."

The President said, "Well, of course, since that time, gentlemen, you know the Senate has passed a resolution upon the subject." Mr. Walsh said, "Well, the point of our request to-day is that if we are to assume that these men are not going to be allowed to come here, then we want to advise you that the people of Ireland are in actual physical captivity; that those who would speak for them are not allowed to come here, and are restrained by the force of an army of occupation which is now occupying the country."

We called the attention of the President to the fact that at the outbreak of the war there was a home-rule bill signed by the King and which ought to have been put in operation, but in violation of their so-called English law, it was not put into operation. Later the time for its operation was extended for a year, and later again it was extended until after the war. Lloyd-George then gave out a formal call for a convention. The convention was organized under the chairmanship of Sir Horace Plunkett. It began to reach a stage where it looked as though there was going to be an agreement; as a matter of fact when the Irish get together, north and south, they always almost agree. When Lloyd-George saw there was going to be an agreement, he wrote a letter to the convention stating, among other things, that the English Government would recognize nothing which they did that might interfere with the existing system of taxation and conduct of the army. This meant that no matter what the convention did, England could still exploit Ireland and keep her under subjection by her army of occupation.

Mr. Walsh further stated that England now has a blockade against Ireland as effective as the Allies had against the Central Powers; that it amounts to an impost upon every bite of food that the people of Ireland bring in from the outside, and on everything that they ship outside the island. Mr. Walsh told the President that no ships were allowed to touch at any port, trans-Atlantic, that the country could not trade with the United States or other countries, and other countries could not trade with it. That Ireland was the most lawabiding country on the face of the earth, with a great respect for law and order and the rights of private property, but that unless some relief was given that the workers there would have, in self-defense, to set up Soviet governments or do something else to relieve the situation.

The President said, "Of course, you should understand that no small nation of any kind has yet appeared before the Committee of Four, and there is an agreement among the Committee of Four that none can come unless unanimous consent is given by the whole committee."

Gov. Dunne addressed the President, and said: "Has no small nation complaining of injustice on the part of any of the victor nations ever appeared as yet?" The President said, "There is no nation that has had its right considered by the peace conference except those that were actually concerned in the war. We have not attempted to inquire into ancient wrongs."

Mr. Walsh then said, "Mr. President, it is the present injustice, and the guerilla warfare that now exists, that we think should receive consideration. Suppose we present a case of this kind, a country in which a state of war actually exists. Do you

mean to say, Mr. President, that you would just close the matter and let the war go on?" The President replied, "I am only one of this conference, why should this whole thing be left to me?" Mr. Walsh said, "We are leaving it to you, Mr. President, because you are the commanding figure in the peace conference, and because it was you who raised the hopes in the hearts of these people that they could come to you. We come to you because we are asking you to use your powerful influence with the other members of the committee to get us a hearing."

Mr. Walsh further said, "In my conversations with the representatives of the Irish republic, President de Valera asked me to ask you a question. I will read from your statements at the time we entered the war." Mr. Walsh then read the following:

"Peace should rest upon the rights of peoples, not on the rights of governments—the rights of peoples, great and small, weak or powerful; their equal right to freedom and security and self-government, and to participation, upon fair terms, in the economic opportunities of the world.

* * * * * * *

"It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made its foundation, no part of the structure of international justice can stand.

* * * * * * *

"No man, no group of men, chose these to be the issues of the struggle. They are the issues of it, and they must be settled by no arrangement or compromise or adjustment of interests, but definitely and once for all, and with a full and unequivocal acceptance of the principle that the interest of the weakest is as safe as the interest of the strongest. * * * The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be justice that plays no favorites and knows no standards but the equal rights of the several peoples concerned."

Mr. Walsh continued: "Now, then, Mr. President, Mr. De Valera asked me to say to you—inasmuch as you state these are the issues; that there must be no arrangement or compromise, and that they must be settled definitely and once for all—to ask you now where is the place to settle them definitely, once for all, and how shall his people do it. Now that he is to be denied the right to come here by England, and you tell us now that we can not appear, in effect, before the peace conference, he asks this question, and I ask you. Where will he go? Where shall his people go? If it is to be settled definitely and once for all, and you say that the issue is made—and we agree with you that it is made—now, where is it to be settled definitely and once for all?"

The President said, "Mr. Walsh, do you think that any considerable number of people, when they read my declarations, thought that these settlements were to be made at some particular place, automatically, immediately?" Mr. Walsh replied, "Mr. President, I can speak first for myself. When I read it, I believed you meant Ireland. I believe that practically all the people in Ireland believed that, and all that I have met of our own people believed it."

Mr. Walsh continued, "Mr. President, I am afraid you do not understand the Irish situation." The President replied: "If you think I do not understand the Irish question, what did you come to me about it for?" Mr. Walsh replied: "I do not mean, Mr. President, that you do not understand the general history of Ireland, but I do say that you do not know what is going on in Ireland to-day; that is, its exploitation by England, the shooting down of its people in the streets, the sea blockade which England has in force against it—in short—all of the atrocities that are being practiced upon its citizens at this very moment." The President said, "Of course, I do not claim to know the local and specific matters referred to." Mr. Walsh said, "I believe you received an invitation to go to Ireland. I think it would be a fine thing for yourself and for the peace of the world if you accepted that invitation. The people would be delighted if you went to Ireland, and get an understanding of the situation at first hand."

The President said: "Now, Walsh, if it is your intention to go back to America and try to put me in bad, I am going to say when I go back that we were well on the way of getting Mr. De Valera and his associates over here; we were well on the way, when you made it so difficult by your speeches in Ireland that we could not do it; that it was you gentlemen who kicked over the apple cart."

Mr. Walsh replied, "Mr. President, have you read the statement made by the Lord Chancellor in the House of Lords and the statement made by Mr. Bonar Law in the House of Commons, both officially speaking for Mr. Lloyd-George, in which they stated that it was not his intention, and never had been, to grant safe conducts to

these men, and that it was his purpose, in having an interview with us after we came back fro n Ireland, to state the 'English case' to the American press representatives and serve England and not serve the people whom we were representing over here. Did you read that?"

The President said, "Now, Walsh, I am not going to discuss anything that was said in the British House of Commons or House of Lords, except to say this, that I was making an effort, and Col. House was making an effort, and that we thought we were well on the way of getting de Valera and his associates over here, but the speeches of you gentlemen gave such offense that the whole thing had to be abandoned."

Mr. Walsh said, "Mr. President, I have written a letter to Mr. Lansing, to which we have received no reply, asking him what were the utterances that offended these gentlemen, and who were the persons who were offended. Perhaps you may be able. Mr. President, to answer it. Was it Mr. Lloyd-George?"

The President said, "I have not said anything about Mr. Lloyd-George." Mr. Walsh said, "Who was it, then, to whom we gave offense?" The President replied, "Well, I would say that you offended the whole British Government." Mr. Walsh then said, "Well, then, you do not accept what Mr. Lloyd-George said to the effect that he was not going to allow them over in any event?" The President said, "Mr. Walsh, I am not going to discuss Mr. Lloyd-George."

Mr. Walsh said, "Would you be good enough to see the gentlemen who were offended, and if that was what stood in the way, if two others would come before them that had not given such offense, would they answer their request?" The President said "There is no use discussing that; I don't know what the British Government would say, and I have said all I can say on the subject."

The President continued, "I want you gentl nen to understand that our position is this: That we are dealing officially with these Governments. You would not want us to make representations or engage in an effort that might involve the sending of troops into Europe, and I know that our people would not want that. What I am saying to you is that we can not, and under no circumstances could we have at any time since we have been here, do anything in this matter of an official nature; but I want to say to you that I have the deepest sympathy for Ireland and her people and her cause. I know I speak for the others when I say that all we could do unofficially we have been doing and will do."

Mr. Walsh said, "In order that there may be no misunderstanding, may I ask if any of your efforts have been directed toward anything except securing to these people the right of self-determination, and the right to have a free government just like the Government of the United States?" The President said, "What I will say to you is this: That you know the lines that we were discussing."

Mr. Walsh siad, "Mr. President, the Irish people believe in these principles that you laid down, and believe that they come wholly within the description of a people whose people have determined their own rights with reference to their government. And I want to call your attention to this fact: That no mediations or negotiations or intercourse with the representatives of Great Britain can possibly accomplish anything at this time. We do not desire to have any, and so far as we are concerned we do not desire anyone else to have any for us. The attitude of the English Government is this: By force of arms, by an army of occupation in Ireland, it is assuming to legislate for Ireland. It can do anything to Ireland or for Ireland that its might gives it the power to do. So that if England has anything that it thinks is good for the Irish people it has the power to impose it at once. In addition to this the Irish people have a right to say, 'We will die before we will live under any such law.' So that no discussion or mediation or negotiation that you or anybody else would have with the representatives of the English Government could do anything for Ireland. Mr. President, you mentioned having your attention called to a resolution of the Senate of the United States requesting safe conducts for Messrs. de Valera, Griffith, and Plunkett." The President said, "Yes; you saw that." Mr. Walsh said, "Yes; but I only saw the newspaper text of it; we wired for the text and did not get it." "Well," the President said, "I saw that; we have been advised of it." Mr. Walsh said, "Mr. President, what action do you propose to take on the request of the Senate?" The President replied, "That is a matter that has not yet been taken up by our full conference."

Mr. Walsh said, "Now, then, we should direct our efforts, as I understand it, to the other representatives on the committee of four and see whether or not we are going to get this hearing, inasmuch as it is to be unanimous?" Gov. Dunne interjected at this point and said, "That would include calling upon Mr. Lloyd-George?" Mr. Walsh said, "Not necessarily." To the President Mr. Walsh said, "If we are not allowed to meet you, how would you suggest that this or any similar matter could get

before your Committee of Four?" "Well," said the President, "I know of no way except to take it up with them individually."

Mr. Walsh said to the President, "Mr. President, when you uttered those words declaring that all nations had a right to self-determination; that it was an issue that had to be settled and once for all, and settled on the side of justice—those expressions I have read to you—you voiced the aspirations of countless millions of people that had been saying them to each other, and begging governments that oppressed them to recognize them. When you, as the head of the most powerful nation in the world, uttered them, and they received the assent of the representatives of all the nations, it became a fact, Mr. President. These people are imbued with the principle. They may be killed trying to vindicate it, but they can no longer be kept in subjection by the action of diplomats, government officials, or even governments. They are free now." The President said: "You have touched on the great metaphysical tragedy of to-day. My words have raised hope in the hearts of millions of people. It is my wish that they have that; but could you imagine that you could revolutionize the world at once, could you imagine that those peoples could come into that at once?" Mr. Walsh replied, "I can imagine them, if anyone denied it, struggling to come into it at once, if it were denied in the place where they expected they were to have it come and to have it settled definitely once and for all."

The President said, "When I gave utterance to those words, I said them without the knowledge that nationalities existed, which are coming to us day after day. Of course, Ireland's case, from the point of view of population, from the point of view of the struggle it has made, from the point of interest that it has excited in the world, and especially among our own people, whom I am anxious to serve, is the outstanding case of a small nationality. You do not know and can not appreciate the anxieties that I have experienced as the result of these many millions of people having their hopes raised by what I have said. For instance, time after time I raise a question here in accordance with these principles, and I am met with the statement that Great Britain or France or some of the other countries have entered into a solemn treaty obligation. I tell them but it was not in accord with justice and humanity; and then they tell me that the breaking of treaties is what has brought on the greater part of the wars that have been waged in the world. No one knows the feelings that are inside of me while I am meeting with these people and discussing these things, and as these things that have been said here go over and over in my mind I feel it most profoundly. It distresses me. But I believe, as you gentlemen do, in Divine Providence, and I am in His hands, and I don't care what happens me individually. I believe these things and I know that countless millions of other people believe them."

Gov. Dunne said: "Mr. President, do you know that the addresses made by us in Ireland, which you say have given offense to the British authorities, were along these lines: That we had enjoyed the blessings of a republican form of government in America for many years, and that we had grown great and prosperous as a republic; that we were pleased to note that they had in a fairly held election determined that they desired a republican form of government, and that we congratulated them upon their choice and hoped that their aspirations would be consummated, the very same sentiments that we had always held and thought in America, and to which the people of Ireland had responded?"

The President replied, "Yes, Gov. Dunne, but suppose that during our war of the rebellion an Englishman had declared that the South had a right to secede, or sided with the South, nobody would have criticized him for that; but suppose that he had gone into the South while the rebellion was going on or immediately before the rebellion, would not our Government have said that he was fomenting the rebellion?"

Gov. Dunne said: "There is no parallel here. Here is a people who, after the armistice, held an election under the forms and securities of British law, and declared for a republic, and I don't believe the cases are in any way similar."

Mr. Walsh then interjected: "If you are drawing that comparison between the Southern States attempting the exercise of that called 'the right of secession' and the case of Ireland, I am compelled to say, I do not see the parallel. Would you please state in what way the cases are similar?"

Mr. Walsh continued: "Of course, Ireland has a separate nationality; it is a nation that has always asserted its nationhood except when repressed by overwhelming force," and then asked the President where the parallel was. The President replied that he did not say it was a parallel case.

Toward the close of the interview the President said: "I wish that you would bear in mind that I came here with very high hopes of carrying out the principles as they were laid down. I did not succeed in getting all I came after. I should say—I should say that there was a great deal—no, I will put it this way—there were a lot of things that I hoped for but did not get."

Mr. WALSH. Now, when we went over there we expected to meet this situation: The President had said this fight was for the right of small nations to control their own lives and to govern themselves. He said that the issue was not made by men or women, but was made by events; that this principle was to apply to those whom we did not like as well as to those whom we did like; that there was to be a peace conference at the end of the war and that that conference was to be composed not of diplomats, as such conferences had been before, not of statesmen, not of governments, but of peoples through their representatives; and so these people, meeting in race convention, a homogenous people with their boundaries fixed by God himself, by the sea, a people who had retained their culture through the centuries, a people who had maintained their social institutions in spite of all sorts of repression of armies of occupation, aye, may I say, a people who shed their most precious blood at least once every generation in an attempt to repel the invader who was occupying their country—these people met in race convention and sent us as their representatives to the peace conference, and we believed that when we got there we would find a conference of delegates. These people had held a plebescite in December under the forms of English law, under every disadvantage so far as they were concerned, and by an overwhelming majority had agreed to come under these principles for which so many of our soldiers died. When they did it they separated from England. They refused to go to Westminster.

They set up their own congress, and I want to say to you gentlemen, because I speak here as an American of America, that I give the American thought when I say as an American of Irish blood that if the great test was put between America and any other nation upon this earth, including the one for which we have so deep a sentimental attachment, that we would see Ireland go to the fathomless depths of the sea and disappear as compared to our own country, but I want to say to you that when these men separated from England, when this Irish people separated from England, they separated forever. [Applause.] They have a volunteer army of 200,000 trained men, not well equipped, of course, but none will say in this presence that they will not go out with their rude weapons and fight to the death, because men are doing it in India, where women and children are being bombed. They are doing it in Egypt, where villages are being ravaged and people are being killed on the street. They are doing it in 20 different countries among 20 different groups at the very time that peace was signed. So we believed that under the declaration of the President of the United States, when we would present our case, we would show that Ireland came strictly within the definition which he gave and that automatically Ireland would have the right to self-determination. But we found no such body in Paris. We found that 70 men or more had assembled there; that immediately upon assembling they had abrogated all their rights.

They were like the minority stockholders in a corporation that appointed a board of directors, and they appointed a board of directors of 10. The main body had met only four times in session up to the time we left Paris. They appointed a board of directors of 10. That board of directors appointed a committee of four. One of them was found to have no influence and was set aside, so they got down to a committee of three. We found that there was no small

nation given a hearing before that board. We found that there was no abstract right contended for by any small nation laid down as the principle of action by that committee of three. And from now on for the purposes of this argument we will call them the Big Three instead of the Big Four.

Senator JOHNSON of California. Were you present over there, Mr. Walsh?

Mr. WALSH. Mr. Senator, I hung around the Hotel Crillon until I wore out several pairs of shoes.

Senator JOHNSON of California. I want the record to show that you are speaking from personal knowledge.

Mr. WALSH. I am speaking from personal knowledge, and I am putting so much "I" in this case that I do not know whether I am a witness or an advocate or what I am here; but I was there, and the record shows at least the part that I took.

Senator BRANDEGEE. Will you be kind enough to let me ask you a question?

Mr. WALSH. Yes, indeed, Senator.

Senator BRANDEGEE. Of how many people did this board of directors, as you call it, consist at the time you were corresponding with them with a view of getting the case of Ireland laid before the peace conference?

Mr. WALSH. There were 10 of the board of directors, but it had vanished down to 3. I am just giving my view of it, of course, as I looked at it at first hand, in a sort of a way. We were Kansas City and Chicago diplomats, not Parisian diplomats. We had to take it as we glanced at it, and we found that committee of three. Of course, Japan could have sat in there, but it was the joke of Paris, "What are the Japs going to do?" The other members were wishing to the Almighty that they would do something besides just sit there and blink; but England had winked at Japan, of course. Japan went in there under that broad plan, the equality of Nations, the equal recognition of all nationals; but Japan already had her secret treaty, she already had her understanding. She did not need to be there. What she wanted was to maintain her grasp on Korea and to get Shantung. Of course she dropped out. She was well attended to.

Now, instead of dealing with small nations over there they dealt with reparations, they dealt with indemnities, they divided up territories, they created new nationalities, some of them, I understand, by mistake. They drew lines and sometimes did not know what country some of these nationals were put into. Around that place were all of these peoples trying to get a voice. I believe that had we had a little more practical statesmanship we might have organized the small nations of the world on the principles of the 14 points and started out and won it for the world. I really do [applause]; because the Lithuanians were there, the Arabians were there, the Chinese were there, the Esthonians were there, the Georgia republicans were there, the East Indians were there, and all the others were there, They called at the headquarters of the American commission, to find out from us what was the reason why the 14 points were not being applied. So after they finished this work as far as it could be finished—the departure of the President of the United States put an end to it—we applied to the "Big Three." I am not going into our

correspondence, but I will say this, that they said that unofficially they loved us, but officially they were ready to jump out of the window when we came in. I do not know what they were afraid of. Surely they were not afraid of England. Let them look at Ireland. Nine hundred soldiers held off 40,000 for over a week. Let them look back to the history of our own country that fought so well against unequal odds. Surely it was not fear. But as I say, unofficially they loved us, but officially, I am sorry to say, I do not believe they liked to see us come into the Crillon Hotel.

In the interviews which we are now to submit under the request of this committee we will give the interviews that we had with all these gentlemen. Our correspondence will show—I want to speak plainly—how they dodged us. It would have been, I may say, more agreeable to us and would have called for our admiration to a greater extent if they had just said, "We don't want to have anything to do with you"; but they did not do that. They recognized us just as far as they could unofficially, and we claim, of course, officially. So when the thing broke up——

Senator BORAH. Mr. Walsh, I suppose there must have been some one, aside from the American delegation, that was objecting to your being heard, was there not?

Mr. WALSH. Oh, yes; let me tell you. Let me say this, Senator Borah, as it will appear here, that we were prevented from being heard by the representative of George V directly, for this reason, because now as I study this covenant of the league I see many angles that I did not see before, and I recall that when that committee of four went into session to settle the fate of the whole world they agreed that they would not hear anyone except by unanimous consent, and we were the people—that is, the representatives of the Irish race; when I say "we" I mean the representatives of these other races—that had the great concern.

Now, when that committee adjourned by the departure of the President, we for the first time got the league of nations. I say here now, and I want to put it in this record, that that league of nations was never assented to, even by the ones who signed it, in the sense that we understand it. Anyone who was present at the Quay d'Orsai when the covenant of the league of nations was so splendidly and dramatically read by our President, and has seen them jumping up all over the room, wanting to say a word—you could not tell who they were—but Clemenceau, the lion of France, blandly said, "There being no objection, the covenant of the league is agreed to." We used to have what we called mob primaries out in Missouri, and I guess some of you gentlemen had them, where the chair would recognize only one man to appoint a committee of 10 to bring in a list of delegates to attend the convention, and the committee of 10 always returned with a list containing their own names, and then the meeting adjourned. [Laughter.]

Senator BRANDEGEE. You speak of these interviews you had. Did you have a stenographer with you?

Mr. WALSH. No; we did not have a stenographer, but the minute we came away, every time, we dictated to a stenographer what had occurred in the conference; and in the last one, the one with the President, I had a gentleman present who, of course, could be a

witness, and there were two of us, Gov. Dunne and myself, and we immediately dictated it, and I do not believe that there will be any dispute about the facts. If so we would like to appear before this committee again, and perhaps point out logically other things that coincide exactly with what was said in that interview.

Now, as I say, I was for a league of nations such as I have tried to set out here, but I was willing to take a bad league of nations. I was willing to take one that was not a good league of nations. I had gotten the French thought—the thought of France—that this is a rotten covenant for a league of nations; but it is not possible to start unless you have some sort of a league, and you can not have a robust and a good league by strangling it to death in infancy. I had a good deal of that thought. I studied that league covenant coming back on the boat, and having studied that league covenant I say, so far as my limited capacity goes and my ability to understand it, it is not a league of nations to prevent war, but it is a league of nations to foment war; it is a league of nations to put the shackles of injustice on almost half the people of the world; to embroil us in wars and in contests such as our country has never known before.

In order to be plain—it is with regret that I will send my resignation to the League to Enforce Peace coincidentally with the little effort I am making to-day—I hate to say it, but I say that that whole covenant of the league is so shot through with injustice, that the subtle European minds have so covertly and successfully planted their ideals in it in contradiction to the ideals of the American people, that no interpretation and no amendment can make it an honest document. [Applause.]

Now, if I may be indulged for a moment, about this league, we have a certain concept. We have been reproached for being a material people. Over there I saw a cartoon that hurt my feelings, portraying America something like Davenport's cartoons used to do, with dollar marks all over Uncle Sam's clothes. We have been criticized for being chasers of the almighty dollar and for not having the high spirit that ought to animate people.

Senator KNOX. That cartoon represented the dollars they wanted.

Mr. WALSH. It represented the dollars they wanted; very good. But that criticism, as I say, is being made, Mr. Senator. Now we have certain ideals. This Government was founded upon them. We believe that they have not only been good for us, but they have been good for the world. The great contribution that President Wilson made to this war was in his declaration upon going into the war, in the addresses that he made to you gentlemen at different times, and in public; because, as I had the privilege of telling him, when he made those declarations of the right of every man and women to control their own life destinies, he said what was in the hearts and in the brains of countless millions of people—all of them, practically, except the men who held mastery. He declared principles for which thousands have died what might otherwise have been ignominious deaths upon the scaffold, for which countless millions have served time in jails and penitentiaries; and are doing it, I may add, in Ireland to-day; and when

he did it, be gave utterance to the idea that set the world free. By your action in the Senate of the United States you may cause the butchery of many more thousands, but that ideal will live. The people of the world have been made free, and they have been made free by us; and if our temporary servants—or representatives, to be more polite, because we have no rulers—forget those principles, then by the strength of our intellects and by the power given by the Constitution of the United States we will get new servants and other representatives who will carry those principles to their final consummation. [Applause.]

I will only try to urge the fundamentals of this plan.

Senator FALL. Mr. Chairman, I move that the time of the hearing be extended indefinitely, until it is concluded.

Senator NEW. I second that motion.

Senator FALL. It is the first chance that the American people have had for a hearing anywhere, as I understand, except in the Senate. [Applause.]

Mr. WALSH. I do not like to take the time.

Senator FALL. Go on.

Senator MOSES. Let us have the question, Mr. Chairman.

Senator BORAH. We have got 25 days.

Mr. WALSH. I have all the rest of my life.

Senator Johnson of California. And so have the rest of us, too.

Senator MOSES. May we have a vote on this motion, Mr. Chairman?

Senator FALL. I make that motion that the time be extended three hours—extended more, if necessary.

The CHAIRMAN. The motion is that the time be extended three hours.

Senator BRANDEGEE. Before we vote on that let me ask——

The CHAIRMAN. I want to say to the committee that we arranged to hear the Greeks to-day and to give them an hour, and as they have come here from a long distance, I feel bound to give them that hearing.

Senator FALL. The three hours additional need not necessarily be consecutive. They may take their hour and then we may continue this hearing, which is very interesting to me.

The CHAIRMAN. Certainly. There is no need of a motion for that.

Senator BRANDEGEE. I simply wanted to ask Judge Cohalan if he wanted three hours more.

Judge COHALAN. We would like it very much. Mr. Ryan gave way, and he has first-hand information. Gov. Dunne gave way. We would like very much to give them an opportunity to be heard.

The CHAIRMAN. We can hear the Greeks this afternoon, but of course it would involve a break in your hearing. We can take it up later.

Mr. WALSH. I am going to close as quickly as I possibly can. There are a few things I would like to say yet.

The CHAIRMAN. Take your time, Mr. Walsh. The committee are ready to hear you. [Applause.]

Senator FALL. Mr. Chairman, had we not better settle this by voting on my motion for three hours' additional hearing? Then we can take a recess and hear the Greeks later.

The CHAIRMAN. Certainly. I think we can give them all the time they want.

Senator FALL. I will move to extend the time again, if they have not completed.

The CHAIRMAN. The committee can arrange that. We have other hearings, and of course we must maintain our engagements.

Senator JOHNSON of California. We can run these hearings into next week.

Senator BORAH. We can go ahead, and if nobody calls time on them, they will not need to stop.

Senator FALL. Nobody will call time on them.

The CHAIRMAN. I will try and make an arrangement with the Greeks for their hearing in the meantime.

Mr. WALSH. I will try as well as I can to address myself to what I call the fundamentals of this proposed covenant of the league of nations, to give you if I can what is in my mind and what is in my conscience, because I will say again what I feel impelled to say, that this whole covenant of the league of nations is a perversion of what the men who really favored a league of nations intended and wished for.

Senator HARDING. Before you get away from it, I would like to have you emphasize and give us a little more light on one thing: You expressed the surprise of the assembled commissioners over the league when it was presented.

Mr. WALSH. Yes.

Senator HARDING. Was that marked?

Mr. WALSH. Oh, it was very marked. They jumped up all over the place to make protests. Man after man got up. You know there was an awful censorship upon this whole business. We followed the publicity very closely, on account of our own little embassy over there. It was impossible at that time to get anything about Ireland in a French paper. I am very happy to say that since the Persian matter and since the developments at the White House conference and other places a very distinctly different reaction is going on in Paris. Our cable advisers tell us that the most reactionary papers in Paris are in favor of the absolute independence of Ireland, and think that Ireland was badly treated at the peace conference, and looked to this Senate not to give any advice and never to consent to the covenant of the league of nations as it is at present.

Senator BRANDEGEE. Will you allow me to ask you a question?

Mr. WALSH. Yes.

Senator BRANDEGEE. At the time this covenant was accepted by the plenary conference was there any attempt to elucidate its provisions, to explain the various provisions in it, or any debate upon it, other than the formal set speeches of the heads of the nations which presented it to the conference?

Mr. WALSH. Not a particle. It had been presented before, and there were some objections made to certain parts of it, and it went back, and this meeting was called, and I talked to one of the most powerful members of the conference outside of the Big Four. He is a lawyer of very fine ability. As we are going in to have everything open, I will say that it was Judge Doherty, of Canada, representing the Dominion of Canada, and the night before he did not know what was in it.

Senator MOSES. He was one of the signatories to the treaty, was he not?

Mr. WALSH. He was a signatory to the treaty.

Senator BRANDEGEE. I would like to have you or some other gentleman who speaks for your side of the question state why this covenant can not by amendment be made satisfactory. I understand you to say that it is such a dishonest document that it can not be made honest by amendment.

Mr. WALSH. Yes; I say that. I do not mean personal dishonesty.

Senator BRANDEGEE. I understand that.

Mr. WALSH. I mean intellectually dishonest.

Senator BRANDEGEE. Such an undesirable thing for the United States to agree to.

Mr. WALSH. Yes.

Senator BRANDEGEE. I want either you or some other gentleman who addresses us to explain, in view of article 26, which provides that amendments to this covenant shall take effect when ratified by the members of the league whose representatives compose the council, and by a majority of the members of the league whose representatives compose the assembly, why under that article it can not be amended satisfactorily. I ask you that question in view of the fact that one of the strongest arguments contained in the letters which I receive in favor of the covenant is that, although the covenant has its imperfections, no human document can be expected to be perfect when it originates, that the Constitution of the United States was not perfect, and that it was afterwards amended very quickly, and that therefore this league covenant can be amended satisfactorily if we will only go into it. I want you to give your reasons why you say it can not.

Mr. WALSH. Very good; I will try to answer that, Senator. First, I look upon this document in this way: It is either a thoroughgoing fraud from beginning to end, to which a respectable nation should not give its assent; it is either something gotten up intentionally and deliberately to deceive, or else it has either the direct power or the potential power to enforce every idea in it. That is my opinion of this document.

I believe, if we surrender to this proposed covenant of the league of nations, that in the very essentials of its structure, we can never escape.

I begin by my opposition to article 10, and, as I suggested, not limiting it as far as Ireland is concerned, but that it should apply to any country that had the fate of the people in its hands, and had determined the form of government under which it should live and which government was oppressed by an army of occupation. I think it could be amended. But as you go through this, as has been said, 11 is just as bad as 10, and 12 is just as bad as 11, and you go a little further and you will find that 13 is as bad as 11, because if a dispute arose, and believe me, gentlemen, a dispute is going to arise about Ireland mighty quickly, and a dispute is going to arise about other matters as far as France is concerned, and if this committee has the power—and this committee has the power if it is a fair document and not a false document—it has the authority to lay down the procedure from which we can never escape. And I took section 40

of the annex, because my first criticism was answered by a gentleman very high in authority who said that this vote had to be unanimous, the vote of the assembly, but I found under section 40 of the annex that a majority vote, a bare majority of the council, carries any proposition with it. And when it comes to arbitrament of these nations, they know exactly what they want under this treaty, and will never agree to arbitration, and it goes to this council stacked in advance. I want to speak plainly—why? Because they have secret agreements entered into and signed by the representatives of the United States dividing territory, and unless the chairman has received them since I heard the argument on the case of Egypt the other day, they are still undisclosed to the separate branch of the treaty-making power, the Senate of the United States, and certainly not to our knowledge.

The CHAIRMAN. Most things connected with this treaty are undisclosed.

Mr. WALSH. I would say now, if we are doing it all open, as soon as you get the agreement mentioned by Senator Fall, that you send it to us so that we may find out if Ireland is in it.

Senator BORAH. You were speaking about article 40?

Mr. WALSH. Article 40 of the annex.

Senator BRANDEGEE. You have not the committee print?

Mr. WALSH. I think I can find it.

Senator BRANDEGEE. Did you mean a majority of the council or of the assembly.

Mr. WALSH. A majority vote of the council decides the whole thing.

Senator BRANDEGEE. I wish you would read that provision.

Mr. WALSH. All right. I think I can find it. It is in the annex. It is chapter 3, article 40.

Senator MOSES. That relates to the Saar Valley.

The CHAIRMAN. Top of page 93, article 40, section 4.

Senator SWANSON. That relates to the Saar Basin, section 4.

Mr. WALSH. I think not, as I read it. Let us consider it, because I tried to weigh it with great care, and I weighed this with reference to what this council might interpret it to mean. Now, the league contains a great many of the ideals expressed by the President, but still I will say that an analysis of that will show that in some place there is something that points out that this is not a covenant that is going to bring peace to the world.

I get this from the Congressional Record. We have the covenant and then we have the annex.

Senator BRANDEGEE. Just give the page and the date of the Record.

Mr. WALSH. Page 2479 of the Congressional Record of Thursday, July 10, 1919. That was my first notion when I first read it, that it referred to the Saar Valley, but I do not believe that it does.

Senator BRANDEGEE. I want you to put it in the record of the hearing of this committee.

Mr. WALSH. I am going to put it in the record, and then try to give you what follows, that makes me say that the interpretation of this can be made to show that it refers to the whole annex.

Senator BRANDEGEE. Take your time and find it.

Senator BORAH. I suggest that the gentleman proceed and that when he has time to look this up he can add it to his remarks.

Mr. WALSH. Yes.

Senator MOSES. In other words, he will present a brief on it?

Senator BORAH. No; he can present his remarks. We will stay here until he gets through.

Mr. WALSH. Yes; I will find the clause in there, if that refers to the whole annex, and I think it does.

Senator SWANSON. If you will look at page 67 of the annex, it is named "Annex." Then it concludes.

On page 93, here is the way section 40 reads [reading]:

In all matters dealt with in the present annex the decision of the council of the league of nations will be taken by a majority.

On page 67, if you will read through—it is named "Annex"—it shows that all that in the annex is limited to a majority.

Mr. WALSH. I did not so get it out of the Congressional Record. I will try to come back to it. I took this Congressional Record in my analysis and that is my conclusion. I will come back to that.

Now, then, to begin with, fundamentally I say that the setting up of this assembly and council absolutely pushes us away not only from the ideas of our government, but surrenders us in this way to the conception of monarchy as opposed to a republican form of government.

We were present, as I say, in Paris. We were there at the time when all of the experts were resigning. We were there at the time when all of Paris understood that the ideals for which we entered the war had been circumvented. We were there and heard the secret treaties discussed. We were there and heard not only the facts, but the intelligent men and women from many of the struggling nationalities, and all of them drawing the point of departure from democracy to autocracy or monarchy just as I am going to try to draw it here.

We start with this council, which consists of the representative of the American Republic, the minister of the King of England, the minister of the King of Italy, the minister of the Emperor of Japan, the minister of the King of Belgium, the minister of the King of Spain, the minister of the King of the Helenes, and the representative of the Republic of France, essentially different in form, of course, from our own, and the representative from the Republic of Brazil. So we started out with a monarchical institution essentially to pass upon all questions the council of the proposed league of nations has the right to pass upon.

We find as we look through this treaty, first, that the nations are not disarmed. We find that we are entering into obligations ourselves to increase our armament. We find that we are under a practical obligation to increase our armament fivefold. We find that under the authority—and I am speaking of it now as absolute authority—that this is a virile living thing that is intended to effectuate its purpose, with all the influence and power that can be put behind it by all of the powerful nations of the earth, and it is that sort of institution.

Senator HARDING. You have noted that the President has said that we really have no obligation except to pass upon the orders of the council in accordance with the conception of justice.

Mr. WALSH. I have followed that, and in my slight study of metaphysics, it is too deep for me. I read it over and over again and tried to put it in the blunt way I have by saying that this is a document of liberty and power or it is an essential fraud; that if we admit there is such a thing as international law, under international law it must have all the force that any other agreement has between nations, or it has not any at all. That is my conception of it, and I give it for what it is worth.

Now as long as we are a powerful nation and as long as the signatories with us have work to do for their kind of an imperialistic character in the world, so long will they carry America along with them. If we furnish the men, if we furnish the treasurer, if we spill the blood—and it must be done at once, as I will try to show before I leave my remarks—then we go along with our fellow imperialists and we are full imperialist criminals with them. But if our one man on that league of nations decides that we will not go on, then it will be found that we did not need this large army, that we will drop under a pledge that we have made to allow the council to set the quantity of disarmament or armament that may be had. We will then drop down into a small armed country. Why? Because it is not necessary to police our country. Why? Because if we refuse as a matter of fact to join with them in their imperialistic aggressions, and they have the power under it to allow Germany—we conjure hatred with that name of old, and so I mention it—if we admit Germany afterwards into the league, then England could right away have a standing army or navy to conquer any country that they desired to keep under subjection or to place under subjection, while we would have a small army if they disarmed us on land and disarmed us on sea, and we might have a navy half as large as England's, and she could have a navy twice as large as she has at the present time.

And so I might go through this document. I will be glad to do it. It can be done. But I know you gentlemen have done it.

I would do it if I had the power, which I doubt.

If this is not a covenant for a league of nations, what is it? Can there be any dispute about it? It is a so-called covenant of a league of nations proclaimed to the world, and honestly by its advocate—by its only advocate, who I believe has followed this thing through, because there is a propaganda going on in this country such as there never has been before. On Broadway, New York, I heard a Government official connected with the Educational Department in Washington. May I without offense to the gentleman say that he has never read this league of nations covenant. But he had a crowd around him and was speaking for it to the people of the United States. I saw another man speaking for it and asking his organization to indorse. I know this gentleman has not read it.

It is called a covenant of the league of nations. It is a catchword. It first caught my consciousness. It is a catch word, and that will bring behind it those who abhor war and those who believe that some start ought to be made with a league of nations. But the truth ought to be written that it is a league to effectuate and maintain permanently the divisions of territory, and the seizing of the lives of men and women as contained in secret treaties about which the President of the United States knew nothing when he

made these utterances, about which he knew nothing when he went to Paris, and about which we knew nothing, and for the upholding and maintaining of the principles of which 300,000 of our men were killed, gassed, and wounded in foreign lands, which can not be denied here. I have read the questions asked by Senators Borah and Johnson. It is in the minds of all of you that when that Big Three sat, there were three dominating thoughts. One was a man of ideals, of honest ideals. I say that I believe that if our President could have come back to this country with every one of them put in force, his heart's greatest desire would have been met. I believe that. But when he got there, as he expressed it, he had in mind all of the principles for which we had gone to war, an end of secret diplomacy, an end of back-door intrigue, an end of the power of one man to get into a squabble with another and call to arms millions of people, the young manhood of the country that he happens to represent, that there was to be an end to this thing of dividing territory regardless of the wishes of the people, that always and ever the rights of nationalities were to be considered, that always and ever no man hereafter should have a government imposed upon him that his conscience did not approve of, but he found that secret treaties had been made absolutely abrogating every one of his 14 points. What became of the freedom of the seas?

The recognition, if you give it, and I trust in God you will not, to England's protectorate over Egypt means that England takes Turkey's right to the Suez Canal; means, if I conjure the thought correctly, that it gives England a grip on every quart of salt water in the world; this country, attempting to enforce ideals, laying down what is contained in some parts of the present proposed league of peace, the present covenant. On the other hand, what do we have? I must state it plainly. I do not believe from my observation that the French people as a people have imperialistic aims. You can not get the thought or the reaction I believe that would convince you of that. At any rate, I believe that so intent were they particularly upon getting reparation for the devastation of their country, so anxious were they to have guaranties for their future protection, and so insistent was this demand, that it became, as the President said, a state of mind, and nothing else so far as France was concerned could be considered; and so all the press of France sounded that one note; and so everything was censored that might have anything to do with the enforcement of our ideals as expressed in the messages to Congress, in the writings and speeches of the President.

On the other hand was the representative of the King of Great Britain, Mr. Lloyd-George. He held his eyes to high heaven and said that England had no imperialistic aim in the war; that they did not propose to gain 1 yard of territory. And when they were urging us into the war, you remember how he denounced—how Mr. Asquith denounced—what they called the lie of the enemy, that they had any desire for any territorial aggrandizement. But Mr. Lloyd-George was there, and there for that purpose alone. He emerged with his mandatories or with his protectorates or whatever you call them; and I point to them and I point to Egypt and I point

to Ireland, and I say, whatever they call them, they are always the same—and I say that at the very foundation of it, it is the desire and the purpose to economically subject the people of those countries: to keep them in practical slavery—the producing masses of those countries. The people who produce the cotton in Egypt are not allowed to manufacture the goods into textiles in their own country, but are compelled to send the raw material to England. If England did not get that economic advantage, as they have in Ireland and as they have in every country into which they have gone, she would have no concern in going in there.

I have no hatred of England. I am proud of her achievements where they have been good. But I say in the very genesis of the imperialist idea is corruption, the very thought of holding their people for economic advantage is, governmentally and internationally, if you enter into it, dishonesty.

Now, then, she emerged with an added control over something like 33,000,000 people, with an area in land, and valuable land, gold mines, diamond mines, the richest agricultural land existing in the world, in her own bag. Did she do it honestly and fairly? Can any league be a good league that has this honestly as its genesis? Was it fair, I ask—was it fair, gentlemen of this committee, let me ask—to take the lives of our 300,000 men or to cripple them; was it right to accept our aid under the declaration we made; was it right to accept our aid after Lloyd-George and Asquith had declared that they wanted no more territory, when they absolutely had the obligation so far as it could be international to hold that territory, and when they had in their minds that they would do exactly what they did do with the representative of the United States—that instead of following out the principles for which we entered the war they would get an agreement including among its signatories our powerful country, with its great resources, to effectuate and to keep forever what they had already gotten, a territory five times larger than the thirteen original States of the United States? As I say, I do not care what they call it, a mandatory or what not; they have it, and by force of arms and by the help what they think we can give them, they are going to keep it.

I would like at this point to try to direct a few observations, that may again be an answer to what Senator Brandegee asked, as to the constitution, the constituent elements, of this league of nations, and the way it is being gotten up. Some place in the world there is a committee of seven men. I do not know whether there is a democrat upon it—I mean democrat in its wide sense. I do not know whether there is a man on it that believes in the representative form of government. Has this committee been given a name—a committee to organize a league of nations? Very well, some place there is a committee sitting in the world. It may consist——

Senator JOHNSON. Did anybody on this committee know that that authority had been given?

Mr. WALSH. I think Senator Fall knew it.

Senator FALL. I knew it.

The CHAIRMAN. When I shook my head, I meant that I did not know the names. We know some of the people on it by reference to the newspapers.

Mr. WALSH. I have observed them. They all have been published.

The CHAIRMAN. Not to my knowledge.

Mr. WALSH. Some place sitting in the world there is a committee whose personnel is unknown in toto to the chairman of the Foreign Relations Committee. That committee has this important duty, if you do not know——

Senator FALL. Among its other duties, it has to control the agenda.

Mr. WALSH. They not only put down the primary organization, but they named the agenda for the first meeting.

The CHAIRMAN. And they also arranged the personnel and the officers of the league.

Mr. WALSH. They have gone even further than that, anticipating that the Senate would not perform its duty under the Constitution and advise against this if they thought that it was wrong. You will refuse to give your consent to it if you believe as I do about it. Anticipating that, Sir Eric Drummond was appointed first secretary general.

I want to say to you gentlemen who, I know, have had large experience in constituting boards and bodies, that a general secretary with the power that Sir Eric Drummond has, will have more influence upon the conduct of that board than will a majority of the members. I say that because he has the ability to and he will make the suggestions as to the agendum. He is the one who will receive the protests of people who claim they are being subjected or repressed. He is the one at first hand who passes primarily upon every act that that committee will be called upon to perform. So I say, knowing the little that I do about constituting boards, and in cases where they are brought from different parts of our own country, that a general secretary of a board composed of different-speaking people from all over the world is the man who will control that body, practically, if not absolutely.

At the present time there are peoples subject to restrictions in all of the countries of the world. As I heard detailed to you the other day, the officers of the Government of Egypt have the right, so far as I can see, to be diplomatically represented in this or any other nation on earth. They showed me their papers, and they came from their own State Department, and they did not need to be viséed by Great Britain. They came to Paris. They were shocked when they came there to find that two days before they arrived the President of the United States had given out an interview in which he recognized the protectorate of England over Egypt, and adjured the people of Egypt not to commit any violence or do anything that would cause pain and suffering to the inhabitants. And these men, precluded from any effort to get into the conference, spent the balance of their time attempting to see the President of the United States, and before he left he advised Saad Pasha Zagloul that it would be impossible on account of lack of time to see him. This covenant is set up under the direction of Sir Eric Drummond in the United States. How is Saad Pasha Zagloul to come in? How is he to get in the building when he could not get in the country?

A BYSTANDER. How did the Irish get in?

Mr. WALSH. Because the Irish people had the spirit, because those Irishmen knew the genius of our country, knew that no mere prohibitory law with reference to criminals could keep a man out of

there who was making a fight for liberty. That is how de Valera got in. That is the spirit that brought him in. The people of Ireland have representatives. They have sent their envoys, sent by the regular government of Ireland, to Paris. They have to go there on some specious plea or on disregard for some restrictive statute or ordinance or regulation. The Egyptians are a great people. There are many millions of people there crying out against the dominion which they despise, in order to come into the league of nations. How did they get into the building? The answer is how did they get into the country? I have said, and I say again, that there should be no pretense that we are going to hear anyone or that we are going to have any part in European affairs if the right of every decent man to come and go freely across the earth's surface is not accorded to him, holding him strictly amenable to the laws of every country in which he may be, whether those laws are to his liking, good or bad. But we can not talk about having an international body where we have restrictive laws that would keep the men that are trying to get a voice for their people from freely attending the place where the conference is to be held.

Mr. Chairman, and Senators, this question, of course, to my mind, is not an Irish question. I want to say to you that the people of Ireland are better acquainted with our laws and our customs and the interpretation of our constitution than any other people on earth, and I say that without boasting, and they are convinced that this league of nations would not only not furnish them any help, but would be absolutely destructive to their efforts for independence, and that they would not get their independence at all until the next war between half and half of the world was settled and democracy finally triumphs. That is the answer to the question.

What did we find there? We went through Ireland; we visited it. They have separated from England. They have set up a government of their own. There is an English censorship that does not allow news to get out. We got there, and what happened in Ireland? We have it in that blue book, Gov. Dunne and myself. It can be backed up by a wealth of evidence that will make every assertion so clear that even Mr. McPherson, the chief secretary for Ireland, could not deny it. We challenged them to appoint a committee of their own to investigate conditions in Ireland. Why? Not that we would embroil the United States in any contest that Ireland is having, but in order that you may do nothing that will make the chains stronger upon Ireland.

Senator BRANDEGEE. Did you read the speech that Senator Walsh, of Montana, made in the Senate the other day, in which he claimed that the only hope for the Irish cause was in the league of nations.

Mr. WALSH. I did not have the pleasure of reading that. There is so much being published now that I can not read it all, but I say this: I respectfully differ from the conclusions arrived at by Senator Walsh. As I say, I just came from Ireland. Those are intelligent people over there. We have referred to the small nations, and I say that it warms my American heart to see the way those people clamored around our headquarters. It was a sort of headquarters for the oppressed people of the earth. They have an idea that the President's 14 points are absolutely in the hearts of our people. They

have an idea, and have it very strongly, that in some way there is some power that is never going to allow this division of territory to be made. So we met these people; some of them splendid people. They are called backward and subject peoples, and small, and all those diminutive names. We found a state of war going on in Ireland. They have a volunteer army of 200,000. They have their officers. They drill daily, practically all of them are mobilized, and they have their maneuvers. The effort to repress them is an effort of force. We ought to understand this thing and look at it plainly. We heard about the so-called murders, and I shall try to classify them. Reference has been made to the constables. They are not constables such as we know. They are members of a standing army. They carry rifles, and they drill with rifles. They have machine guns. They live in barracks as soldiers do. They are never residents of the community in which they operate as constables. So they are soldiers. They act under the direct command of the commander in chief of the English army of occupation in Ireland. They took prisoners, the prisoners they took are republican volunteer soldiers and they were taken not as assassins, but in broad daylight, in the large cities of Ireland.

These men met them, and they met them in a way which, if war was declared and it was our country, because of the fight they made against unequal odds, they would be entitled to a medal from the Congress of the United States. They retake the prisoners of the English army. In taking them, if they have to do it, they kill the soldiers of the army of occupation, of course, and the soldiers of the army of occupation try to kill them. Is it a state of war? There is the most crimeless country in the world. There is jail after jail, built to hold a thousand men, with 10 common-law prisoners in them, misdemeanants, or men charged with felony, and hundreds of men charged with nothing but being republicans. Are they criminals? These fights and flurries at arms take place in the large cities in Ireland. The Irish people retake their prisoners and take them away—in one case with 10,000 people looking on. These people are their soldiers and their heroes. They protect them and they fight for them because they say that a battle is going on. The English army is in Ireland to-day with every device of death immediately at command. I saw them build the emplacements upon which the machine guns are now firmly fixed, covering Liberty Hall in Dublin, so as to send a deathly fire into the headquarters of the national labor organization of Ireland. And why? Because I say those men, the most conservative labor organization in the world, going along lines approved of by all men, are likewise republicans, and instead of treating them as citizens they treat them as criminals. Those jails were created. We saw men confined in those jails that would compare with the gentlemen whom I have the honor to address this morning, as lawyers.

We saw newspaper men there, Senator Johnson, who compare most favorably with any that you know in California or with the very best that I have known, who own and edit their own newspapers. We saw men who have devoted a lifetime to doing something for the people whom they represent—members of the Irish Parliament—in solitary confinement. We saw the cells in which

they had been confined. They were taken out of them the night before, we were advised, but we saw the underground cells in which they were kept in solitary confinement, and when we asked the question of the governor of the jail, or made the assertion at Mount Joy, he did not deny it. We heard the story at first hand of the statement of the women, young and old, those whom I met, and from whose lips I heard the story which I would not undertake in this presence to detail because of its loathsomeness. I heard that story from the lips of women as refined, as virtuous, as intellectual as your wife and daughter and mine, and I can pay them no higher compliment; and what I say is going on all through Ireland to-day.

Talk about bolshevists! Property is absolutely unsafe in Ireland. Raids are made on private residences and thousands of dollars' worth of property are being taken, and not even what they call contraband. Every excess that applies to an army engaged especially in an unjust war is being practiced upon the Irish people. Thousands of dollars of ordinary mercantile establishments are taken away. Everything is done to break the spirit of those people. Yet we are asked to show that at a time a commission is undertaking to establish peace they are trying to pass this covenant, intended, as they claim, to prevent war, while a state of war actually exists in Ireland and in other countries, and at this very time they refuse to listen to the Irish people.

We are here to state to you, gentlemen, that if this league in its present form is consented to by the Senate, 200,000 men, according to their own statement—because I speak only by what they say—stand ready to-day before the world to bring America back to the ideals which it has always preserved.

Judge COHALAN. Mr. Chairman and gentlemen, I will now ask Mr. Michael J. Ryan, of Philadelphia, another one of the commissioners, to come forward and tell his experiences in Paris.

STATEMENT OF MR. MICHAEL J. RYAN.

Senator SWANSON. Mr. Ryan, before you begin, I think I should suggest to the other members of the committee that the Sergeant at Arms of the Senate has sent for us to come and make a quorum.

Senator BRANDEGEE. Why, we have the permission of the Senate to sit during the sessions of the Senate.

Senator SWANSON. Well, we can not break up a quorum.

Senator BRANDEGEE. We have permission to sit here.

Senator BORAH. Tell them to adjourn.

The CHAIRMAN. You may proceed, Mr. Ryan.

Mr. RYAN. Mr. Chairman, I have been asked by the chairman of our conference to participate in a departure from our program upon which we agreed this morning. It was then contemplated that Mr. Walsh should speak, and then that the governor of New Hampshire and the lieutenant governor of Montana should be heard, and that the closing argument upon the legal propositions advanced by the committee should be made by Mr. Bourke Cockran, to whom I am sure it will be a delight for all of us to listen. I am asked merely to rise for a moment and give an experience. I understand that some of you have asked that those who visited Paris should make a little statement.

We reached Paris—Mr. Walsh, Gov. Dunne, and myself—on the 12th or 13th of April. We immediately sought an interview with the President of the United States. We joined in a letter which appears as the first communication signed by the three of us, addressed to the President, asking for an interview. We set forth the purpose of our coming, to wit, that safe-conduct should be granted to Eamonn de Valera, the president of the Irish republic, Arthur Griffith, and George Noble, Count Plunkett, to Paris from Dublin, so that they might present the cause of Ireland. We have set it forth on page 2 of the document that is now filed with each of you. Some days afterwards, the President, through his secretary, caused a communication to be sent to Mr. Walsh, asking Mr. Walsh alone to visit him, which he did. We were then referred to Col. House, and our communications during my entire stay in Paris were with Col. House. I left Paris on the 24th of May, and I left when we learned the attitude, as will be discerned from the communication printed in the pamphlet to which I have heretofore referred, signed by Robert Lansing, in which he says:

I regret to inform you that the American representatives feel that any further efforts on their part connected with this matter would be futile and, therefore, unwise.

Col. House I had never seen, nor had I read much of him. I belong to the party, as Senator Knox knows, of which President Wilson is the official head, and I confess that I was curious to meet the great Col. House. He undoubtedly treated us most splendidly, and he deserves all of the commendation given to him in respect to smoothness and velvetness of character, and I doubt whether we could at all find fault with the kindliness and courtesy extended to us by him.

I have listened to a summary of the proceedings of the peace conference, and I would confirm that from our knowledge of that which took place in Paris, with this detail. I think we were all three informed by the chairman of the subcommittee, to whom was theoretically allotted the preparation of the league of nations draft, that the perfected instrument was handed to him with instructions to present it within 10 minutes.

Senator FALL. Who was that?

Mr. RYAN. I would rather not now state. I shall probably inform you later on in the day after a conference with our people.

Senator FALL. We would like to know.

Mr. RYAN. I am sure you would. And the draft was read. There was no debate upon it. After its reading, the first man to interrupt was the representative from Japan, who stated that it had been his intention to present the question of race equality, but that he waived it for the time without withdrawing it, or without being misunderstood as asserting it. The representatives of Belgium arose and stated that they had hoped in view of Belgium's sufferings that Brussels would have been selected as the permanent place of meeting rather than Geneva. Some representatives of the South American Republics rose up, and then Chairman Clemenceau stated that there being no further objections, the league of nations was adopted. There was no roll call, and those of us who had heard of it, envied the skill with which it was handled and adopted, and we marveled at it all.

Senator BORAH. Is there any difference between the steam roller in Paris and in the United States?

Mr. RYAN. No; we regarded it with admiration. Some of us had had experience in Kansas City, in Chicago, and Philadelphia, and we thought that we had learned much in France which we might use profitably in America. At the last interview that I had together with my colleagues, with Col. House, the suggestion was made that we might present that which we had—our cause—to three of the American commissioners. We demurred. He then added that he would join in hearing us. We were jocular with him, and as I say, everything was exceedingly pleasant. He was most courteous, and we suggested and he joined in the suggestion, that it would be a great pleasure to listen to us upon the Irish question, that he could join three of his colleagues. There was a suggestion that we ought to have the President, and I am very positive that he said that the five commissioners had never met, the five American representatives had never met to consider any question. I mention these things hesitatingly, but at the urging of Judge Cohalan, with the thought that they might be makeweights in the scale, to show to you men the direct absence of consideration of the peoples pressing for hearings, who sought to be resurrected into nations.

The interview which you have ordered to be printed, which took place with the President after I had gone, showed some of the reasons moving the President for his conduct, because he there asserts that it was agreed that no hearings should be given to any representatives of any small nations, without the consent of the entire Big Four. Of course unanimous consent could not be obtained. You Senators heard the cause of Egypt presented yesterday. It was to me a sad spectacle to see 20 men, magnificent in their manhood—for, being somewhat undersized myself, I look with admiration upon a 6-footer—treated in such fashion by the Paris conference. Of those 20 magnificent specimens of Egyptian manhood the chairman alone did not speak English. All of the others spoke many tongues, and it is curious that at least two of them, and I think perhaps three, spoke Gaelic, although neither Mr. Walsh, Mr. Dunne, nor Mr. Ryan speak a word of Gaelic. These men have been students at various universities, and those of whom I speak specifically had studied medicine in Dublin. They were at Paris, gentlemen, able men, asking for a hearing, and a hearing was denied them.

Senator BRANDEGEE. Do I understand you to say that you were informed by the President that no hearings could be had of the smaller nations except by the unanimous consent of the Big Four?

Mr. RYAN. I was not present, but I read the interview, which you have given permission to print, and that statement there appears.

Senator BRANDEGEE. What I want to get at is this: Does this interview show whether the President stated whether he had made the request for unanimous consent that hearings be accorded them?

Mr. RYAN. I do not think so. I do not think he had made that request. In fact, I think you can see that from Mr. Lansing's letter, and upon the receipt of that letter I came to this country, believing that our hope lay more in America than in Paris. He writes——

Senator BRANDEGEE. Who writes?

Mr. RYAN. Robert Lansing. This is a letter addressed to Hon. Frank P. Walsh, and it appears on page 10 of the pamphlet to which I have heretofore referred. We addressed a letter to the President on May 22, 1919, asking that the communication which we inclosed be transmitted to Monsieur Clemenceau, president of the peace conference, which letter will be found on page 8 of the pamphlet heretofore referred to. I wish now to read the reply to that letter which is signed by Robert Lansing, and which appears, as I say, on page 10 of the pamphlet heretofore referred to. The letter is as follows:

AMERICAN COMMISSION TO NEGOTIATE PEACE,
Hotel de Crillon, Paris, May 24, 1919.

SIR: I have received the letter which you and Messrs. Dunne and Ryan addressed to me on May 16 regarding the issuing of safe conducts by the British Government to Eamon de Valera, Arthur Griffith, and George Noble Count Plunkett, in order that they may proceed from Ireland to France and return, and I immediately took steps to acquaint myself with the facts of the case, which transpired before the matter was brought to my attention by your above-mentioned letter.

I am informed that when the question of approaching the British authorities with a view to procuring the safe conducts in question was first considered, every effort was made in an informal way to bring you into friendly touch with the British representatives here, although owing to the nature of the case it was not possible to treat the matter officially. The British authorities having consented that you and your colleagues should visit England and Ireland although your passports were only good for France, every facility was given to you to make the journey. Before your return to Paris, however, reports were received of certain utterances made by you and your colleagues during your visit to Ireland. These utterances, whatever they may have been, gave, as I am informed, the deepest offense to those persons with whom you were seeking to deal and consequently it seemed useless to make any further effort in connection with the request which you desired to make. In view of the situation thus created, I regret to inform you that the American representatives feel that any further efforts on their part connected with this matter would be futile and therefore unwise.

I am, sir,
Your obedient servant,

ROBERT LANSING.

In this correspondence you will find that my colleagues challenge the point that we had given utterance to any thought which gave offense to anyone. We went to Ireland at the request of the representatives of the Irish people and with the consent of Mr. Lloyd-George. Our passports were amended, mine and Mr. Walsh's, upon the application of the President of the United States. Gov. Dunne had the additional distinction, appearing in the record, of his passport having been amended upon the application of the President and Mr. Lloyd-George. Why this signal honor was given to him I do not know. Probably the typewriter slipped up on the other two.

Senator KNOX. Amended in what respect?

Mr. RYAN. In this respect. We made application when we went to Europe for France alone, for Paris. We did not contemplate a visit to Ireland. When we reached there suggestions were made to us of meetings and time was being lost, and in the meantime we were invited to go to Ireland. We then sought to have our passports changed, and they were changed forthwith, although the State Office said that such a thing had never happened, that it would take at least three weeks by cable to effect the change. Nevertheless, they were changed within an hour and a half and delivered to us; changed after that message had been received from the State Department. We did

go to Ireland, and we saw the conditions detailed there. We visited all parts of Ireland.

At the request of the representatives of Lloyd-George, Gov. Dunne and I visited Belfast, at the request of Sir William Wiseman, the liaison officer between the two Governments. We visited all parts of Ireland, and the conditions portrayed by our chairman are exactly as portrayed. They present to different minds, of course, different phases, but you have a people there united to a degree unparalleled in their history. I have been connected with the Irish movement during all of my life. There has never been such unanimity among the Irish people, and there has never been such a unanimous desire for their recognition upon the part of the people of Irish blood in the United States. I do not care what official place men may hold, through whose veins flow Irish blood, when they seek to uphold this tyrannous production, then I say they fly in the face of the desires and the hopes of the Irish people. We are one in this matter as never before in our history. I never saw Ireland until I saw it in May of this year. They are a wondrous people, a kindly people, yearning, yearning for betterment. By every test that the President meted out, they have met the requirements. Under the forms of British law, 79 representatives are hostile to English rule out of an elected 101. Seventy-nine out of one hundred and one. Seventy-three of those seventy-nine were elected as ultrarepublicans, saying they would not sit in the British House of Commons if chosen, and upon that platform they were chosen. There was division among the people, because large masses of them who are what are called nationalists still believed there was no hope for a republic. Therefore they didived their vote. Men there say that upon a plebescite, the nation, four to one at least, would vote for an Irish republic. All Provinces in Ireland are as one. For 30 years, may I call to the attention of Senators, every one of the four Provinces in Ireland has been a nationalist Province.

For 30 years 17 out of the 33 representatives from Ulster have been Nationalists. When men speak of this Ulster question and say that it indicates hostility to the aspirations of the rest of Ireland, they speak in ignorance of the history of Ulster. The best blood of Ulster, the people of Ulster, have been the radical revolutionists of Ireland. The united Irishmen who first proclaimed and sought the establishment of a republic—that movement was originated by the Ulster men, not Catholics, in 1792. The greatest name in Irish history, the one most loved, the one to whom the hearts of the people go out in greatest enthusiasm, was the founder of that organization, Theobald Wolfe Tone, the man who died in the rebellion of 1798 with the Ulster Protestants. And need I say to you that Robert Emmet was also a Protestant, though not an Ulster man. Those of you who walk along lower Broadway in New York City will see as you come up to Cortland street, at St. Paul's Church, two great monuments, higher than from floor to ceiling of this room, one telling of the life of the brother of Robert Emmet, the brother who, fleeing from imprisonment, sought refuge in New York and became its attorney general and one of the leaders of the American bar.

The other is a monument of like character to Dr. McNevin, who rose to the head of American physicians in the early days of the

nineteenth century. These men are typical of the long roll of Ulster men who fought and died for Ireland. Why, Senator Knox, your Pittsburgh district is filled with the names of the Pattons and men of that character whose ancestors died in Ireland battling against British tyranny. They gave to Pennsylvania so many of its names, Coleraine, Donegal, Tyrone, and Dungannon, all resplendent in its history. Those men brought these old names to their new homes, and they helped to make that great American Commonwealth. They reached out away beyond the Alleghenies, and they peopled the West, and I doubt not the ancestors of many of you were of that glorious strain. There is no religious question in this Irish movement. Excepting O'Connell and Redmond, in the whole long line of Ireland's history, when we call the roll of her mighty men, there were only two or three Catholics. I mean in the last 150 years. Molineaux and Swift and Wood and Grattan and Emmet, and Thomas Davis, the National poet, Archibald Hamilton, Rowan and Curran, and John Mitchell and Parnell in our own day. The men who make up this splendid body of idealists, even though their writs run to no foot of land, these men have been animated by a holy hope for liberty. All three of us who went to Paris—Dunne, Ryan, and Walsh—were born in this country. All our interests are here. The dust of our fathers and the bones of our children are alike buried in America. We love America above all other nations; three of my household went into this war.

One of my kin is dead at Chateau-Thierry. I looked for his grave over there. The French Government conducted me and Gov. Dunne to find that grave. Our kin entered this war believing that the United States meant what it said, that the right of self-determination should be given to all peoples, and the Irish, no matter what their feelings were that no war should have been declared, when this Congress spoke they rallied to a man; they poured forth their blood and their treasure, whether from Massachusetts or Missouri or Pennsylvania or California. Wherever it might be, the Irish rallied to the cause of the Stars and Stripes; and I beg of you Senators to exercise your rights and keep the pledged faith of America. Keep troth to the living and to the dead, and save this Nation and save our sons from engaging in wars to which neither the conscience nor the Congress of the United States shall give its assent, by defeating this treaty. [Applause.]

Those men brought these old names to their new homes, and they helped to make that great American Commonwealth. They reached out away beyond the Alleghenies, and they peopled the West, and I doubt not the ancestors of many of you were of that glorious strain. There is no religious issue in this Irish movement. Excepting O'Connell and Redmond, in the whole long line of Ireland's history, when we call the roll of leaders of her mighty men, there were few Catholics—I mean in the last 150 years. Molineaux and Swift, and Grattan and Emmet, and Archibald Hamilton Rowan, and Curran and John Mitchell, and Thomas Davis, the national poet, and Parnell in our own day, were all Protestants. Regardless of religion, regardless of creed, they were types and forerunners of the splendid body of idealists, the men who, assembled in Dublin to-day, speaking for Ireland, even though their writs run to no foot of land, are animated by the same centuries old holy hope for liberty.

All three of us who went to Paris—Dunne, Ryan, and Walsh—were born in this country. All our interests are here. The dust of our fathers and the bones of our children are alike buried in America. We love America above all other nations. Three of my household went into this war. One of my kin is dead at Chateau-Thierry. I looked for his grave over there. The French Government conducted me and Gov. Dunne to find that grave. Our kin entered this war believing that the United States meant what it said, that the right of self-determination should be given to all peoples, and the Irish, no matter what their feelings were that no war should have been declared, when this Congress spoke they rallied to a man; they poured forth their blood and their treasure, whether from Massachusetts or Missouri or Pennsylvania or California. Wherever it might be, the Irish rallied to the cause of the Stars and Stripes; and I beg of you Senators to exercise your rights and keep the pledged faith of America. Keep troth to the living and to the dead, and save this Nation and save our sons from engaging in wars to which neither the conscience nor the Congress of the United States shall give its assent, by defeating this treaty.

Judge COHALAN. I have the pleasure of introducing Gov. Dunne, the third member of the commission that went to Paris, former governor of Illinois, former mayor of the city of Chicago.

STATEMENT OF HON. EDWARD F. DUNNE.

Mr. DUNNE. Senator Lodge and fellow Senators, I with my colleagues appreciate the great courtesy extended to ourselves and to those who will address you after I have concluded my brief statement, and I will not unduly trespass upon your most valuable time.

Permit me briefly to corroborate in general the statements made so eloquently, so forcefully, and so truthfully by Mr. Walsh and by Mr. Ryan. Let me tell you gentlemen why we went to Paris. We had read, as every American citizen has read, the aims and objects of the American Nation as expressed by its Chief Executive in entering this World War. We believe that the aims and objects so lucidly, so clearly, so forcefully stated by the President of the United States would, when that war was consummated, be carried out at the conference in Paris.

We, with millions of our fellow citizens in this country, expected that the Irish nation would not be made an exception among the weaker nations of the earth. We waited with patience and with confidence that at the conference in Paris the representatives selected by the American people would embody in the terms of the peace that was to be consummated there the aims and objects of the American people as expressed by its President. We waited until the 1st of February. We knew that in Paris the envoys of the Irish nation were knocking at the doors of the conference and asking a safe conduct for the duly elected representatives of the Irish people to Paris, so that they could present to this conference the claims of the Irish people to nationhood. So far as the papers of America were concerned, and so far as the papers of the world were concerned, the name of Ireland was not mentioned at that conference. We are citizens of America, who were born here, who love and admire this country and believe in keeping its faith; we happen to have Irish blood

in our veins, but all three of us, like Mr. Walsh, were born here, and we all feel alike about this country. Like Mr. Walsh, I was not identified in any way with Irish societies. For years and years before I was honored by that great convention with the appointment as one of its commissioners, I had devoted all my life to American citizenship solely, and had been honored by my fellow citizens as an American citizen. I love this country above all countries, as they do, and we would sink Ireland and every other country into the deep rather than sacrifice the interests of this country.

We met at that convention. I think it was the most extraordinary convention I ever attended. Over 5,000 people who felt as we did gathered from every State and Territory in the United States, and under the guidance and inspiration of that convention a committee of 25 were appointed for the purpose of assisting the Irish people before the American commission in Paris to obtain a hearing, and the right of Ireland, as determined by an election held in December, three months after the armistice was signed, under all the forms and securities of British law, in which it was determined by three-quarters of the Irish people, in round numbers, that an Irish republic was born, and a declaration of independence was issued such as the American people issued in 1776.

That committee of 25 honored Mr. Walsh, Mr. Ryan, and myself, asking us to become a commission of three to go to Paris, to appeal for what and to whom? To appeal to the representatives of the American Nation in Paris for the right of the Irish people to be heard in Paris along the lines enunciated by the President when he advised the American people to enter this world-wide war. Before we left Washington Mr. Walsh, in a letter to the Secretary of State, told the Secretary of State the object of our mission. It was avowedly political. It was avowedly for the purpose of enabling us to obtain a hearing for the Irish nation before the world peace conference. That letter is on file with the Secretary of State. After some delay passports were issued. I believe there was a protest from the British Government which delayed us 48 hours, but the Secretary of State granted the passports upon that letter.

The Secretary of State and the whole world knew, through the newspapers, the object of our mission, which was avowedly political.

We arrived at Paris. We were careful from the start to place the objects of our mission in writing and address it to the President first. The letter was addressed to the President and we were accorded a long interview, and I think I can characterize it as an unofficially sympathetic interview. The President referred us to Col. House. We had several interviews with Col. House, who treated us with extreme courtesy and acted with extreme diligence, but also unofficially.

I think Mr. Walsh interviewed every member of the American delegation. I personally interviewed every member but one, Secretary Lansing. We pointed out that we came as American citizens to address five American citizens in their official capacity as the representatives of the great American Republic, and all that we asked of the official representatives of the American Republic was to use their good offices officially to obtain for the duly elected representatives of the Irish people, elected under all the securities of British law, the right to plead their case before the tribunal in Paris.

That was the sole object of our mission. Col. House acted with extreme diligence and courtesy, as my colleagues have told you. I think he interviewed Lloyd-George on the subject, and gave us to understand that he believed we were going to get for them that safe conduct.

The CHAIRMAN. Unofficially?

Mr. DUNNE. Unofficially, but told us that Lloyd-George—I suppose also unofficially—desired to meet the members of the delegation, and we believed that our cause was so impregnably just from the standpoint of American citizens that we could afford to meet and argue with Lloyd-George the justice of the Irish demand, and we consented to meet him at any day he might designate, and a day was designated to meet him. On the day designated it turned out, and I think truthfully, that owing to the exigencies of the situation in the preparation of the final draft of the peace conference and its presentation to the German representatives, Lloyd-George was unable to keep the appointment for the interview with us, and we were courteously so informed in the presence of Col. House, by Sir William Wiseman. It was then suggested, I do not know by whom, that as the safe conduct was not to be given promptly, and as the delegates of the Irish people were in Ireland and we were in Paris, it was impossible for us to confer with them, if they could not come to Paris, unless we could go to Ireland.

Thereupon, by prompt cooperation between the American officials, French officials, and British officials, we were given passports the next day which stated upon their face that our mission was diplomatic, and that we were going upon an unofficial political mission, and we avowedly stated that our desire was to communicate with the representatives of the Irish people and to become acquainted at first-hand with the situation in Ireland. There was no disguise about the object of our visit, and no restrictions or limitations of any character were imposed upon us either by the British premier or by the French authorities or by the American authorities, and we went to Ireland. And this is what we found there in Ireland, a component part of the British Empire, that the people of Ireland were without any of the British constitutional securities which are thrown around the citizens of those Islands. We found that the habeas corpus was practically suspended, because of the restrictions thrown around it by the rulings of British courts, which made it an idle formality. We found the right of trial by jury suspended. Any man charged with political crime in Ireland could be tired only before a British court-martial, military authorities, or before a removable magistrate without a jury, these removable magistrates being appointed by the crown, many of them from the police force, sent from Dublin and different districts in Ireland, removable overnight, earning salaries of $4,000 a year and amenable to the recall of the Government at any time.

Senator BRANDEGEE. Is there any appeal from the decisions of those military magistrates?

Mr. DUNNE. None that I know of. Men were arrested without warrant. We found that houses were searched without warrant, and men when arrested were imprisoned in British jails or deported to English jails, and not informed what charges were made against them.

Senator BRANDEGEE. The previous speaker, Mr. Walsh, spoke of men being taken prisoners in this fight between the populace and the British constabulary. What sort of a trial did they get?

Mr. DUNNE. My information is that they got a trial before a court-martial or a removable magistrate. If a man in Ireland makes a speech in which he advocates the republic he is immediately brought up. If he advocates or argues in favor of the recognition of the Irish republic, they take that man up before a court-martial or before a removable magistrate, who is paid $4,000 a year.

Senator BRANDEGEE. Under the British law it is a crime to advocate that, is it not?

Mr. DUNNE. Yes; notwithstanding the fact that 75 per cent of the people have gone to the polls openly and voted for that. We found that men's houses are searched without warrant; that men, women, and children are arrested without warrant and confined at the pleasure of the Government, either in an Irish jail or deported to an English jail. A boy, 11 years of age, was arrested there and kept in jail for two months. No one knew where he was. Finally he was released when there was a threat of an investigation. That is the situation we found in Ireland.

The leaders of the Irish people, the men who were elected by their constituents to the British Parliament, refused to attend the British Parliament and organized the Irish Parliament—the Dail Eireann; many of them were in jail, not being able to attend the meetings of the Parliament, with the result, of course, that the sentiment of the people being so overwhelmingly with them that when they get them in jail they can not keep them there. Robert Barton, owner of a landed estate, 1,200 acres of the most beautiful country ever seen, with a manorial residence, an officer of the British Government, was compelled by the British authorities to take charge of Irish prisoners and saw such indecencies committed that he resigned his office as a protest, becoming a Republican, and was elected to the Dail Eireann. He made a speech during the campaign. He was arrested and placed in Mountjoy, remained there a couple of weeks, and then managed to saw a bar, left a very polite and humorous note addressed to the governor of the jail, saying that he did not like his bill of fare or his sleeping accommodations, and would the governor of the jail be kind enough to send his clothes to the address given in Dublin. He was a man of such prominence and his case excited so much interest that an official investigation was ordered, and while the investigation was going on in the jail the deputy warden rushed in and said, "My God, there are 23 more of those fellows gone over the wall." That is the situation in Ireland.

Let me tell you of two little incidents that I witnessed with my own eyes. Three of four hundred soldiers under the command of British officers surrounded the Mansion House in Dublin, and three or four hundred policemen under official direction surrounded the Mansion House at half past 5 in the afternoon, for the sole purpose of preventing the Lord Mayor of Dublin from extending an official reception to the delegates from America. While we were attempting to get in, some guns were fired. There were a crowd of 20,000 or 30,000 people around the house, brought there by the mere fact that the military, with armored guns, were around the Mansion House. People were laughing at them and guying that ridiculous

display of military force made for the sole purpose of preventing a social function tendered by the chief executive of the great city of Dublin to the three gentlemen who had come there from America.

A few hours before that the bedroom of the chief lady of Ireland was desecrated by the police, seeking as they claimed, some escaped prisoners. That is the situation which we found in Ireland.

Now, it is my judgment that if this treaty be confirmed by this body—and you are charged with the responsibility of approving or disregarding this treaty—if section 11 be approved you gentlemen will be acting as partners in the enforcement of that kind of law upon an unwilling people. We ask you to reject this treaty as American citizens, not because we are Irishmen, but because the Government over there as it now exists is an outrage upon constitutional government, because there is a situation to-day that rivals, if it does not exceed, the situation that prevailed years ago under the most tyrannical conditions of that time.

The CHAIRMAN. The committee will take a recess now until 2 o'clock. We will hear the Greeks from 2 to 3, and then we will resume this hearing.

(Whereupon, at 1 p. m. a recess was taken until 2 p. m.)

AFTER RECESS.

The committee reconvened pursuant to the taking of the recess, at 2 o'clock p. m., Senator Henry Cabot Lodge presiding.

The CHAIRMAN. I have here a protest against the views expressed in the morning session, signed by David W. Irvine, Henry Stewart, John Kennedy, Lieut. Lewis H. Shaw, Albert E. Kelley, William H. Cheney, and William Balfour. I told these gentlemen that we could not give them a hearing to-day, but I would give them a hearing next week. The gentleman who represented them said he desired to file this brief and have it published in our hearings.

Senator KNOX. It is a brief against what?

The CHAIRMAN. It is in opposition to what has been said here this morning. It will be printed at the conclusion of this hearing.

Senator KNOX. Mr. Chairman, I see no objection to including within our hearings everything that we hear, but does the chairman think that we ought to open the door for people to file briefs?

The CHAIRMAN. That authority was given when we started the hearings—that they would have a right to file briefs.

Senator KNOX. The first thing we know they will be filing books after a while. I think anyone who has anything to say ought to heard.

The CHAIRMAN. This relates to the hearing which we granted this morning. The other side has requested to be heard in this way.

Senator KNOX. I think we ought to hear them, if they are here.

The CHAIRMAN. We could not hear them to-day, and I thought it would save the time of the committee to permit them to put in a brief. We have done that on several occasions.

Senator NEW. The brief is in lieu of a hearing?

The CHAIRMAN. In lieu of a hearing; yes.

Senator KNOX. I do not want to insist, but it does seem to me that if they have anything to say that is worth hearing, we would

better hear them rather than give them an indefinite right to print, because that is what it amounts to.

The CHAIRMAN. I think we can control the right to print.

Senator KNOX. Perhaps we can.

(The brief referred to will be found at the conclusion of to-day's proceedings.)

The CHAIRMAN. Judge Cohalan, I will ask you to present your next speaker.

Judge COHALAN. Gentlemen, I have the pleasure now of presenting to you Lieut. Gov. W. W. McDowell, of Montana.

STATEMENT OF HON. W. W. McDOWELL, LIEUTENANT GOVERNOR OF MONTANA.

Mr. McDOWELL. Mr. Chairman and gentlemen, when I came to Washington from Montana on yesterday morning with the seven governors who were appointed to attend the governors' conference with the President and the Attorney General, I did not know I was to have the pleasure and the honor of appearing before this committee.

I have been told by the gentlemen having this movement in charge that I am expected to speak only a few minutes, and that they would like to have me refer to the reception given to President de Valera, president of the Irish Republic, when he came to Montana recently. As my time is very limited, I will devote it to that angle of the matter, as tending to show the sentiment of the people on the question now being considered by this committee.

I will state that as lieutenant governor of Montana my duty is to preside over the State senate, and as such presiding officer I am familiar with the action taken by the legislature in its last regular session held in January and February of this year, and also the action taken at the special session held a few weeks ago.

At the regular session of the legislature last winter a resolution was unanimously adopted, there being no dissenting vote in either the senate or the house, asking the Senate and House of Representatives of the Congress of the United States to use their best endeavors to bring about the recognition of the independence of Ireland.

Before the special session of the Legislature of Montana met, President de Valera, of the Irish republic, came to Montana. I live in Butte, and as I was then acting governor it became my pleasure to welcome President de Valera to Montana and to extend to him the freedom of the State. The reception which he received there was the most enthusiastic and the most spontaneous reception that I have ever seen since I have lived in Montana during the past 24 years. Our little town has a population of only about 65,000 people, but there were at least 10,000 people at the depot to greet President de Valera when he got off the train. It was almost impossible for him to get through the crowd to get into the automobile which was waiting for him to go uptown. I had the pleasure and the honor of riding uptown with the president, and I noticed that there were more returned soldiers in uniform escorting that automobile uptown than I have ever seen in uniform in Butte before or since the war started.

I saw a great many horny-handed sons of toil break through the line and rush up to the automobile to shake hands with the president of the Irish republic, and there were tears in their eyes. The procession that came up from the depot with him was at least a mile and a half long. Every musical organization that we could get together in the State was there, and the sentiment of the people of Butte and the people of Montana is undoubtedly very strong in favor of Irish independence.

At the special session of the legislature the matter of again passing a resolution came up a few weeks ago. This was after President de Valera had been invited by me as the president of the senate to make an address to a joint session of the legislature. He stayed over several days so as to make this address. Some little opposition developed among some people in the legislature against inviting him. However, he was unanimously invited to address the legislature, which he did. He was then introduced to the crowd that could not get into the legislative hall, waiting in front of the capitol, and he received the same kind of an ovation in Helena at two or three meetings that he had received in Butte.

Another resolution was introduced in the special session of the legislature asking the Senate of the United States and Congress to do what they could to bring about recognition of the Irish republic, and this matter was fought out on its merits, and finally passed both the house and the senate by a good majority. I mention this to show that, in my opinion, three-fourths of the people of Montana and of the States around Montana are thoroughly and heartily in sympathy with the movement for the freedom of Ireland.

Senator KNOX. May I ask you a question right here? It was represented to us this morning that the fate of the Irish republic depends upon whether or not we reject this proposed league of nations. Now, you say the sentiment in Montana is in favor of an Irish republic. How is the sentiment there on the question of the league of nations?

Mr. MCDOWELL. I believe the opinion in Montana and in the surrounding States is one of decided opposition to any clause in any treaty or in any league of nations that will in any way stand in the way of Ireland securing her freedom.

Senator KNOX. Then if Mr. Walsh is correct in his statement this morning that to adopt this league at all would defeat the Irish republic, your judgment is that the sentiment of the people of Montana would be against the whole league?

Mr. MCDOWELL. I think I have expressed the opinion which I wish to express in what I said before.

Senator KNOX. All right, I will not press you further.

Senator FALL. Would you object to answering this question: Is it the opinion there that any article in this proposed league would possibly affect the freedom of Ireland?

Mr. MCDOWELL. I think that among practically all of the Irish in Montana they feel that it would. There are a great many other people in Montana and in the adjoining States who are not of Irish blood, who, I think, are in hearty sympathy with the aspirations of Ireland, and would be opposed to any clause in any treaty that would stand in the way of Irish freedom.

Senator JOHNSON of California. One further question: Do you think guaranteeing the boundaries of the British Empire will affect the question concerning which you are speaking here and the question that we have before us to-day?

Mr. MCDOWELL. Senator, I have answered that question as far as I am prepared to answer it.

Senator JOHNSON of California. I wanted to be perfectly fair on the proposition and perfectly fair as to the position that you gentlemen take in respect to this matter.

Mr. MCDOWELL. I am approaching this matter from a somewhat different angle from that of a great many of the gentlemen who have spoken here this morning so eloquently on this matter. I am a Protestant. My ancestors came to this country 250 years ago, and I am thoroughly and heartily in favor of Irish freedom and in helping them to obtain it. I think the great majority of the people of Montana and the surrounding States feel the same way about it regardless of whether they have any Irish blood or not, and they would be opposed to any clause in any treaty that would stand in the way of Ireland securing that independence.

Judge COHALAN. I wish next to present Mr. John A. Murphy, of Buffalo, N. Y., the fourth member of the American Commission on Irish Independence, who has recently come back from Paris.

STATEMENT OF MR. JOHN ARCHDEACON MURPHY.

Mr. MURPHY. Mr. Chairman and Senators, in accordance with the request of the committee having in charge the American Commission on Irish Independence, I left on the 21st of June and reached Paris on the 30th of June. During the week while I was sailing the peace treaty had been signed and the President and the presidential party had returned to America. The colleagues with whom I expected to fall in in the carrying on of the work, Messrs. Walsh and Dunne, had also returned from Paris, and I did not meet them in France.

It is needless to say that for a while the situation in France, as a stranger might sense it, was one of relaxation after the strain of the peace conference. It was one of an intense amount of gossip and whispers and reactions from the results of the peace conference.

During the most of the time I was there I was busily engaged in presenting the case of Ireland to the editors of the French papers and in endeavoring to obtain a presentation of it before Mr. Clemenceau, to whom it was stated the question of Ireland was referred in his capacity as president of the peace conference.

After being in Paris for about two or three weeks I became advised that before the President and Mr. Lansing left France they had been informed by Mr. Clemenceau in his capacity as president of the peace conference that no action would be taken upon the question of Ireland. That was material news and in my judgment it foreclosed any possibility that Ireland may have or might expect to have of prosecuting her cause before the league of nations.

On June 22 I wrote a letter in the name of the American Commission on Irish Independence to Mr. Clemenceau, and if you will permit me I will read the letter, or if you desire I will insert it in the record. It is on page 65 of the brown pamphlet.

The CHAIRMAN. The letter will be inserted in the record. The letter is as follows:

[Personal and urgent.]

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
Paris, July 22, 1919.

M. GEORGES CLEMENCEAU,
President of the Peace Conference and Premier of France, Paris.

Monsier le PRESIDENT: We are in receipt of information from sources of high authorities that, as president of the peace conference, you have notified American peace plenipotentiaries that, so far as further consideration of the Irish question is concerned, the matter is one in which you will take no action.

We understand this decision covers:

1. That the resolution of the American Senate, officially forwarded to you by the American Commission to Negotiate Peace, and the recommendations contained therein expressing sympathetic support to the people of Ireland in their efforts to obtain a government of their own choice, is, by this action, denied in a manner suggestive of your entire disregard of American public opinion as rendered in the deliberate resolution of our highest legislative body.

2. That the peace conference further ignores the request of the Hon. Messrs. Walsh and Dunne for the appointment of an international tribunal to investigate into the charges of barbarities and inhuman conduct, in violation of the rules of civilized warfare, perpetrated by the British Government through its military forces in occupation of Ireland, and upon its defenseless people.

The knowledge of your decision in these matters has been up to now withheld from the American public. The results of the publication of this information will doubtless have very material weight at this time while the attention of the United States Senate is occupied in matters of international importance, in which we feel France has a material interest. Arrangements have already been made for giving widespread publicity in America to this decision on your part. But before taking this step, we respectfully suggest that an audience may be granted by you to the undersigned to present the importance of the situation, particularly in its relation to the future interests of France, of America, and of Great Britain.

There are 20,000,000 citizens of Irish blood in the United States, and the effect of this information when published there needs no characterization by us to indicate how grave may be the danger to the continuance of those same relations of amity and esteem that have marked the friendships existing between the French, American, and Irish peoples.

Trusting that I may be accorded the honor of this audience with you at your earliest possible convenience, and with assurances of high esteem and respect, we have the honor to remain,

Sincerely, yours,

AMERICAN COMMISSION ON IRISH INDEPENDENCE,
JOHN ARCHDEACON MURPHY, *Commissioner in Charge.*

Mr. MURPHY. I was aware that the information I had received had not been made public in America, and that it was held under the the veil of secrecy from publication by request of the American representatives. After the letter was delivered to Mr. Clemenceau, the information was conveyed back to me in circuitous fashion that if I were to make public the information that I had outlined in that letter to Mr. Clemenceau it would not be wise or judicious, while I was a guest in Paris. Therefore I refrained from making it public until I returned to America; but it was known, not in one circle but in many, that there was an effort made to conceal from the American people and from the American Senate this action on the part of Clemenceau until they had, as it was hoped, passed favorably upon and ratified the league of nations.

Senator BRANDEGEE. You speak of this information as having been conveyed to you circuitously. Do you know from whom it originated?

Mr. MURPHY. You mean the information that it should not be published?

Senator BRANDEGEE. Yes.

Mr. MURPHY. No; I can not say that of my own knowledge, except to say that one of the most important men who is accredited to have the ear of the French Government, the foreign editor of Le Temps, advised an associate and friend of mine, Mr. Erskine Chillers, a former major in the British army, a man who has espoused the cause of the Irish Republic in a wholehearted and unadulterated manner, and one of the best known publicists in England. The foreign editor of Le Temps conveyed this information to him and I have reason to believe that that was an inspired message. I did not say that that was a message brought from Mr. Clemenceau, but either Mr. Clemenceau or Mr. Tardieu were the only two who had knowledge of it unless they conveyed that knowledge to some one else.

Senator BRANDEGEE. What I wanted to know was, in your judgment, did that information represent the French opinion, or did it represent the desire of the American commission?

Mr. MURPHY. I construed it as representing the French request, in accordance with the action of the American commission.

Senator BRANDEGEE. That is all I care to ask.

Mr. MURPHY. There is one more incident that I would like to present to you, and then I will give way to others. I am not going to occupy your time with the delivery of any argument on this question. There is a short presentation of one phase of the question that, with your permission, I will ask to insert in the record later.

At or about this time, by reason of family connections and business interests, I desired to visit England and Ireland. I made my request before Consul Reed in the ordinary manner, for an amendment to my passport. My passport did not give me permission to proceed anywhere except to France, as it stated, to attend the peace conference in the interest of self-government for Ireland. I was told my request would have to be sent to Washington. After waiting two weeks on the pleasure of Washington, as they explained to me, I had called three or four times to ascertain if there was any reply to my request to amend my passport, and on August 8 I received the following letter:

UNITED STATES PASSPORT BUREAU,
Paris, August 8, 1919.

JOHN A. MURPHY, Esq.,
Grand Hotel, Paris.

SIR: Referring to your recent call at the passport bureau, you are informed that a telegram has been received from Washington instructing the bureau to refuse to amend your passport for Ireland.

There is inclosed herewith the amount of 0.80 franc in stamps, which represents the balance due you after the cable charges have been deducted from the sum of 100 francs which you deposited.

I am, sir,
Respectfully yours,

E. C. REED,
American Consul.

I felt surprised, Mr. Chairman and Senators, that in pursuit of my private business as an American citizen my Government should deny me the right to proceed to the British Isles. My request for a passport was not to go to Ireland. My request for a passport was to

proceed to the British Isles. I had personally said that my purpose was not political; that I desired no exemptions from the laws of the land. I had desired to proceed there for family and personal reasons. Now, Mr. Chairman and Senators, on the other matter which I wish to present to the committee I wish to say that during a stay of about two months in Paris, where I met many of the editors of the French press and many of the public men of France, I have had opportunity to get a vision of the proposed league of nations somewhat different from that which would naturally otherwise have been given to me.

From my training and environment I have naturally paid most attention to the economic and industrial aspect of the treaty. The trouble with the treaty is that it is neither a treaty of vengeance nor a treaty of justice; it is calculated to maintain forever a commercial supremacy to one or two of the high contracting parties. I regret to say that America does not seem to be included as one of those parties.

The condition of France at the present time, as admitted to me in private conference by their thinking minds, is one of gravest import. Its finances are in a depleted condition; it has exercised its power of taxation so far as it is believed the people of France will endure, and still the income is more than a billion dollars below the absolute requirements of its budget, even with its army demobilized.

I spent some days driving over the devastated regions of northern France, and the paralysis of the country is appalling. The difficulties of obtaining raw materials and coal are greater than I can describe.

There has been no outlet for commercial development accorded to it by this present proposed treaty. Even the commercial advantages which have accrued to France from its old protectorate of the Christian people of the Orient is being imperiled by the British control in Mesopotamia and the Near East. Fifty-five per cent of the German indemnity which is supposed to be obtained by France is incomplete and uncertain reparation. Many eventualities may occur which would defer or avoid the payment of these indemnities, and neither France nor the world at large could ever be called to arms for the purpose of enforcing at the point of the sword payment which may or may not be beyond the will or the possibilities of the central powers to pay.

On the other hand, the question of sovereignty over subject people is understood in a more material way abroad than we generally understand it in America. It is understood as the right of commercial exploitation, and whether it be in the guise of mandatories for itself or its colonies, the British Empire has most successfully obtained the control of countries and people which are more than a commercial compensation for the losses endured even by the British Empire in the prosecution of war. I refer to the control that England now possesses under the terms proposed by this treaty, of almost one-third of the earth's surface. I am not discussing the freedom of the seas for the minute. Gibraltar, Malta, Suez, Aiden, and all the other strategic points held by England are solid answers in denial of the assertion that the freedom of the seas now exists.

This present treaty proposes to subject forever the sovereignty of Egypt, to condemn the oldest nation in the world to serfdom and

to commercial exploitation; Asia Minor, Arabia, Persia, Afghanistan, Thibet, Burmah, India, form an unbroken chain in the interest of England to meet and to connect its links with the sphere of influence claimed, and by this treaty yielded to the Imperial Government of Japan.

Japan, whose losses in this war were of a negligible quantity, is to be confirmed in its control of Korea with its 20,000,000 of people, and to be accorded the control of Shantung, with its iron, and coal, and mineral resources, and its many millions of Chinese inhabitants, and which must be regarded as the commercial jugular vein of China; by it, and through its waterways and railways of the interior of China, will be acquired by commercial and treaty advantages.

It is not necessary to more than glance at the map of Africa to see that from Cairo to the Cape it is to be dominated in the British interest.

I point out these things to you gentlemen to call your attention to the undying antagonism that exists between the principles upon which a Government like ours is founded, of the people and for the people, and the principles upon which an imperial government is founded, where the Crown is, if not the right divine, at least it is the center around which rallies in support the commercial, the military, and selfish oligarchies of privilege. All of this, which I believe you will admit as self-evident, is to my mind trained and aimed more especially against America than any other country in the world; it is asserted that our factories produce in eight months our domestic requirements, so that for four months of the year we are forced either to seek foreign markets or to shut down our factories. England well knows that it can not stop the fertility of our fields from producing cotton and corn and the necessaries of life in bounteous plenty; nor our mines in their production of raw material in practically unlimited quantities; nor can it fetter the energy and the power of American industrial and commercial development. It therefore seeks, under the specious title of a league of nations, to draw a wall of iron around the markets of the world, where, by a preferential imperial tariff, the products of our factories will be handicapped in their efforts to obtain a foreign market; where from time to time a slight concession here and there on their part may be looked upon and exploited as an act of generosity on their part toward their American cousins, and so through the aid of finance and intrigue an invisible British Empire may be superimposed upon the destinies of America.

We are asked to abdicate our sovereignty in favor of a sovereignty of a composite body in which we have but one vote as against six votes of the British Empire, and the six votes of the British Empire are but a small portion of its influence. It will be in a position to offer to every country in the world—France, Italy, Greece—special concessions and considerations for their vote on every question that arises wherein American interests might be circumscribed and impeded, regardless of principle or regardless of the eternal right in the controversy involved.

I have not attempted in these few words to enter into any discussion of the question from the Irish point of view, because I wanted it plain that my objections against this are American in the most

intense and vital things. But I respectfully submit for your consideration that the question of Ireland is interminably involved in this whole scheme of operation. America is at the present time engaged in the development of a mercantile marine to make it independent of either the good will or capacity of any other power in delivering to foreign markets the products of our factories, and especially for our trade with Europe. Her ships must have a point of debarkation as well as embarkation. In other words, a line of mercantile marine without harbors in Europe would be short lived and unprofitable. The harbors of England are and will be insufficient for the British commerce; the harbors of Europe will be dominated and controlled in the interest of their respective governments. Ireland alone offers to America friendly, sufficient, and secure harbors for the termini of its mercantile marine in the European carrying trade. From these harbors by packet steamships may be made the quickest, the cheapest, and the best distribution in Europe of American goods and merchandise.

What the attitude of England would be to bar the development of Irish harbors in this connection was illustrated in 1913, when Europe was at peace. The White Star Line, at the instance of the British Government, discontinued Queenstown as a port of call. The Hamburg-American Line announced that it would make Queenstown a port of call, but before even one ship of that line made a call at Queenstown, the British Government, in pursuance of its policy of commercial isolation with which it has surrounded Ireland informed the Imperial Government of Germany that making Queenstown a port of call would be considered by the British Government unfriendly, and it was undesirable.

I therefore submit for your consideration that the recognition of the Irish Republic, the de jure government of Ireland is not only right and desirable as reasoned by every standard of justice and of American ideals, but that America has an enlightened self interest in the doing of this commendable act.

The brevity of the space allotted to me compels me to deal in conclusions rather than in a presentation of the premises and the logic of the case. But we are asked by this treaty to subscribe our fortunes and the lives of our children and their children's children to continuation in serfdom of hundreds of millions of human beings whom God has created in freedom and equality; we are asked to lock the door against ourselves as an American nation in our own commercial development and while reservations and amendments may draw many of the fangs from this thing serpentine of iniquity, the American answer should be to kill it and in its place erect a true league of nations imbued with American ideals of justice and equality of opportunity for all. To lay these foundations securely and broadly and deeply and from here, in America, to bring about a league of nations that shall be of all things just to the world and all its peoples, and shall also kill this threatened encirclement of American commerce that lies hidden but real in the terms of the proposed treaty you are now asked to sanction.

Peace can only come and endure as a result of justice, and until the fabric of this treaty is reconstructed and until the thought that controls its reconstruction becomes American in its democracy, we

must cease to be a people following our traditions, if we support it, and will be dragged down to the lowest levels of commercial greed.

For these reasons I submit that the defeat of the entire treaty is the most American thing, is the most humanitarian thing, is the most just thing that can now be done.

Judge COHALAN. The last speaker before Mr. Bourke Cockran will be Mr. Daniel C. O'Flaherty, of Richmond, Va.

STATEMENT OF MR. DANIEL C. O'FLAHERTY.

Mr. O'FLAHERTY. Mr. Chairman and gentlemen of the committee: In my opinion the matter which we are considering demonstrates the wisdom of the fathers when they created the Constitution of the United States. I do not believe in the history of our country a more momentous epoch has ever arisen than is now before you. It is the question of the ratification, by and with the advice and consent of the Senate, of a treaty that I think is more momentous in its consequences to the people of the world, and especially to the people of the United States, than anything that has ever come before the United States Senate. I speak to you, gentlemen, briefly, not as a politician, but as a Democrat, as a Virginian, as a Southerner, and if I may say so, as a Protestant and a Mason. Some people have said to me, and I have been told, even out in the hall here to-day, that this is a religious question. I say to you that it is not a religious question, it is not a political question, but it is a question which every American citizen has a right to take into consideration. I repeat that since the day when the Liberty Bell rang in old Philadelphia, proclaiming the Declaration of Independence, no more important matter has ever been considered by the people of this country. I have not time to go into it in the way of an argument, and after what has been said here to-day it is not necessary to argue it to such distinguished men, constitutional lawyers, but I believe that the ratification of this treaty, with articles 10 and 11 and with the other articles that follow along after it, would not make the world safe for democracy, but it would make it safe for hypocrisy. [Applause.]

What is a treaty? It is a contract between nations, and everything that is put in it is put in for somebody's benefit. What is article 10 put in there for? Is it for the benefit of the United States? We do not need it. For whose benefits is it to retain the integrity, for instance, of the British Empire? Somebody says, "Well, how does it do it?" Let us take an illustration: Suppose Canada or Ireland should desire to be free. Suppose Egypt should become free by the volition of England, and England should try to help Canada or Ireland. With whom would we go? We should have to fight against Canada in favor of England. Is not that true? I say as a lawyer that in my humble opinion articles 10 and 11 of this treaty bind Ireland and every other nation that is under the hoof of England, hand and foot to the cross.

Why should we not speak out? I say to you, gentlemen, in my opinion that if we do not speak out at this awful moment, the very stones in the street should cry out for us.

I do not claim to speak for all the people of Virginia. I am glad to say that you have on this committee one of our most distinguished sons, who has his own opinion on this subject and I may differ with

him: but we have the right to come and be heard, and I come to you to-day as a Virginian, as a Southerner, as an Irishman, as an Irish-American, as a descendant of Irish ancestors back for a thousand years. But I am first an American, and I believe that some of these articles are the greatest blow that has ever been aimed at the American Constitution. [Applause.]

Mr. Chairman, I come to you to bear to you a message from a mass meeting held in Richmond the other day, the capital of Virginia, the capital of the old Confederacy, if you please, the home State of our distinguished President. It passed this resolution unanimously.

Senator BRANDEGEE. Was it a large mass meeting?

Mr. O'FLAHERTY. Four thousand people, a large mass meeting for a city of our size, and not a dissenting voice. It unanimously adopted these resolutions:

Resolved, That we declare ourselves unreservedly in favor of the independence of Ireland, and demand that our Government recognize the Irish Republic; and

Resolved, That we register our opposition to any proposed league of nations which does not protect all American rights and ideals and which binds us to guarantee the territorial integrity of the British and Japanese Empires.

This resolution was adopted at a meeting at which the mayor of the city presided, and to which his excellency the governor gave the honor of his presence. I believe that if a plebiscite of the people of Virginia were taken without a word of discussion to-day you would find that the majority of them would be in favor of the freedom of Ireland. [Applause.] And I am sure that if you were to go before them and tell them what is being done and tell the truth of the matter they would be still more greatly in favor of it.

Gentlemen, I have been in a quandary. It is not my desire to embarrass the administration. I believe in that great Virginian who is the President of the United States, Mr. Wilson, but I believe that any league of nations which perpetuates the British Empire in its present condition, in which portions of that empire are in perpetual thraldom, is un-American, unfair, and will never be ratified by the will and the wishes of the American people. I believe I would be unfair to myself as an American, untrue to the teachings of the great Virginia patriots who did so much to establish this Republic, if I did not raise my voice at least against articles 10 and 11, especially, of the proposed league of nations, which, in my view, rivet the bands that bind Ireland to England, and would compel us to assist England in keeping Ireland in perpetual thraldom. I trust in the wisdom of this committee. I say reverently that I thank God that unto men like these were committed by the fathers the keeping of the ark of the covenant of this constitution, that we may be saved—I hope I am not speaking like a school boy—that we may be saved from the rocks ahead of us; that we remember what George Washington said when he warned us to keep out of entangling alliances. Why, this is a cobweb of such a character that the mind of no human being can fathom where we will go under it. So I hope that this committee will safeguard the rights of Ireland, that ancient nation, so that she may take her place among the nations of the earth. She is a nation; she has been a nation; she has every element of a nation, the geography, the ethnology, the soil, the climate, everything that goes to make up a nation. Why under heaven should Ire-

land, the oldest of all the white nations on earth, be the only one that is denied her freedom? [Applause.]

A favorite objection of those who are opposed to the independence of Ireland is what they glibly call the "Ulster question." Along with this is also the other oft-repeated statement that Irishmen can't agree among themselves. The last and only election ever held in Ireland in which the question of self-determination was in issue was in December, 1918, in which outside of Ulster, which is only about one-fifth of Ireland, not a single constituency, except a gerrymandered one in Dublin, was carried by the Unionists. So you have the greatest unanimity in four-fifths of Ireland for a republic.

It is true that in Ulster the Irish do not agree on this political question, or rather those who claim not to be Irish, do not agree. Without discussing the fact that we never agreed upon any political issue in our own country, and that at the time of the formation of our own republic, there were many Tories, none Irish, however, and we very often fail to agree and it is preferable that we should not always agree.

It is quite interesting to analyze the Ulster situation from an impartial standpoint, taking the vote of December, 1918, as a basis. I say an impartial standpoint because the writer of this article belongs religiously to the faction that claims to be in the majority in Ulster, and who are opposed to the independence of Ireland, but one who does not share that view. I, as a Protestant, a Mason, and one with other than Irish blood in my veins, can not be accused of being partial to the Catholic Irish, and certainly can see the facts and analyze them freely from the point of the Ulster people, if it is a religious question.

The chief exponent, as is well known, of this Ulster bugaboo is Mr. Carson, who himself until recently has never represented a constituency in Ireland, but who attempts to speak for the Province of Ulster, and his ideas have been widely disseminated through the English press as those which should be accepted by the outside world.

Ulster consists of nine counties—Donegal, Londonderry, Antrim, Tyrone, Down, Fermanagh, Monaghan, Caven, and Armagh. These nine counties in the election which was held for Parliament in 1918 were entitled to 25 seats. Out of these the Sinn Feiners carried 10, the Irish party which was not with the Sinn Feiners but opposed to the Unionists, carried 4, so that the Carsonites or Unionists, only carried 11, or a minority in Ulster. Four of these 11 seats were accredited to Antrim, in which the city of Belfast is situated, and all these representatives are Unionists. So that outside of the county in which Belfast is situated there were only eight Unionists representatives elected in the whole of Ireland, the seven outside of Antrim, and the one in the gerrymandered district near Dublin, as against 73 Sinn Feiners and 6 of the Irish Party and 6 Nationalists. Since that election, just about a month ago, one of the constituents in Antrim was captured by the Sinn Feiners in a bye election showing the tremendous change in the sentiment in the only stronghold that the Unionists had, and this is the election at which Mr. Carson said that if he didn't carry he would resign, which of course was nothing but a bluff, for he is simply the agent of the English Government, and is not likely to resign his job so

long as he can hold it. The majority for the Unionists in those constituencies last December averaged about 6,000.

These are the cold facts in the case, which are verified by the official reports which I have before me as to the election of 1918. We then have a minority of a small section of the country, less than one-fifth of it, asking that the will of the people of a great country in which a million votes were cast be heard as against the rights of the many.

Belfast in the last election cast about 79,000 votes for the Union and 39,000 for the Independence. By some sanctity unknown to Americans this 40,000 majority who claim they are not Irish but Sotch-Irish, claim that they ought to rule over a million Irish who are not only shamed to be called Irish, but glory in the distinction. When, therefore, you hear anyone repeat the statement that Ireland can not agree as to what she wants, simply recall these facts and ask yourself if such "twaddle" should receive any consideration at the hands of the Americans who believe in majority rule.

But rest assured that Robert Emmet, a Protestant Irishman's epitaph will be written some day, and monuments will be erected to others without regard to religion or creed, but simply because they were friends of Irish freedom; and further, that if England's fleet was thrice as great, and her gold as many times more potent in disseminating false propaganda, the Irish Republic will live.

It is thus seen that the only part of Ireland which can't agree among themselves are the Irishmen of Ulster, and even here many have said that the will of the rest of Ireland should prevail.

The fact is that many of the people of Antrim, and especially Belfast, are not Irish, but are Scotch, or as they are sometimes erroneousy called Scotch-Irish, whatever that means, for that term is a much abusd one and ignorantly used, for as a matter of fact there is no such a race as Scotch-Irish as a race.

The remedy would seem to be, if these people are Scotch or English and feel that they do not want to be ruled by the majority of the people of the country, to take a boat and sail across to Glasgow which is just a few hours' ride and let the great mass of people who dwell in Ireland conduct the affairs of the country to suit themselves. Belfast is nothing more than a mushroom manufacturing town, which might succeed as well in building ships and making linen in Glasgow as on the other side of the Irish Sea. As well might the cities of Norfolk, Portsmouth, and Newport News, which constitute about the same proportion to the State of Virginia, say that we won't play with you at all because we don't like you in other respects and therefore we are not going to submit to the majority of the people of Virginia. In other words, if you should move the shipyards from Belfast, which 40 years ago had a population of less than 50,000, to the Clyde or the Firth, you would get rid of the Ulster question and remove the only argument that England has. But luckily this ancient nation has never recognized, and never will as long as the blood of the Gael flows through Irish veins, the government of England maintained at Dublin Castle by force of arms, fraud, and bribery.

Another argument which is highly esteemed by these self-styled "Better-than-thou" Irishmen, is that while we have not the population we have the wealth and intelligence. The facts in the case as

to this canard are even stronger than as to the question of the majority in Ulster.

Leinster, in which the city of Dublin is situated, is a much wealthier province than Ulster. The city of Dublin, with her population, which is really about the same as Belfast, is assessed with property of the value of over £11,000,000, or Dublin is assessed about twice as much as Belfast. Dublin pays an income tax of about £200,000. The whole of Leinster, taken together, is much wealthier than Ulster, whose wealth is the lowest, except Connaught, which is in the extreme western part of Ireland and much of its territory is a wild and rocky, broken sea country which is not susceptible of cultivation or development.

But, say these same objectors, Ulster is Protestant and the rest of Ireland is Catholic, and therefore the majority should not rule. That is democracy with a reservation which American people can not understand, for it announces that if the majority in Ulster are Protestants they should rule, if Catholic they should not. Quoting, however, from the religious census in the 9 counties of Ulster, there are 690,134 Catholics, 451,566 Presbyterians, 48,490 Methodists, and other scattered religious denominations. The self-constituted guardians of this part of Ireland are always talking of taking care of these Presbyterians. This is wasted sympathy, for in the history of Ireland's fight for independence since the days of Hugh O'Neill down to the present time the majority of the men who have fought for Ireland's independence have been of these same Irish Presbyterians or Protestant. Wolftone, Lord Edward Fitzgerald, O'Connor, and Emmet were all Irish Presbyterians. John Mitchell, John Philpot Curran and many other leaders were Protestants.

The only leaders that Ireland has had for generations who were Catholics were Daniel O'Connell and Redmond, and it was O'Connell's fight that won for both the Catholics and Presbyterians the right of suffrage. The great emancipation bill which freed the Catholics, freed the Presbyterians, for in the days of O'Connell, no one but the Church of England could vote or hold office, and the so-called Irish Parliament, which voted to destroy Ireland and carried the Union, was a Church of England body with not a single Catholic in it. What then becomes of the foolish statement by men who are otherwise usually intelligent that Ireland's fight for independence and throwing off of the British yoke has been a religious one? In the past 50 years and prior to the Easter rebellion many Irish Protestants, for political offenses, have been hanged, drawn and quartered, and dogs have lapped their blood in the streets of Dublin.

In Ireland's glorious future these names will not be forgotten, though they are not heroes in the sight of Sir Edward Carson or Bonar Law, they will in future generations be revered as men who would not hug the chains that bound them, nor kiss the feet that trampled upon them, content to be slaves if they could but eat and drink, for such a condition is natural asphyxia in which the breathing "of the great dumb, stupid animal alone gives evidence that it lives at all."

It was a religious question in a sense at one time, to give help to Protestants and Catholics alike, the right of suffrage, without which

men are but slaves, and this was carried by Irish Catholics and Irish Presbyterians, and the fight which is being fought out by the Irish, not only in Ireland, but in America and in Canada and in Australia and in New Zealand and in South America by the Friends of Irish Freemen, not as a religious question but as a question of right, and the tide of public opinion of the world is such that no man, no group of men, or no one nation can stop it.

As I have said on a former occasion, "Tell me what is the unseen and mystic law that claims the fidelity of the compass and keeps it ever pointing to the polar star?" Tell me this and I will tell you why Irishmen, whether they come from the golden vale of Tipperary or the picturesque hills of Connemara, whether smiling in the sunshine of prosperity or groaning under the load of adversity, are drawn to the Prince of Connla, of the Golden Hair, to

That sunny land
From druids and demons free,
The land of rest,
In the Golden West,
On the verge of the azure sea.

Some ask me the question, "What can Ireland do?" I reply, "What can England do?" She has reached the point where she must respect the wishes of over 4,000,000 people in Ireland or shoot them down with machine guns or starve them in prison. Does she dare do it? Can there be any doubt of the outcome? Germany tried it on Belgium and England will tread the same path as Germany if she persists in her course. Not only has England to respect the wishes of Ireland, but she now fully understands, I hope, what she did not in 1776, that a decent respect for the opinions of mankind bids her halt.

It is no longer a fight between Ireland and England, but a fight between England and the enlightened opinion of mankind, and she is fast learning that the world will no longer let her hide behind the false cry of protection for Ulster.

Senator MOSES. Mr. O'Flaherty, I want to ask you a question or two. You stated that in your opinion a plebiscite taken in Virginia would show a vote of four to one in favor of the freedom of Ireland?

Mr. O'FLAHERTY. No; I did not say that. I said a majority. Did I say four to one?

Senator MOSES. I so understood you.

Mr. O'FLAHERTY. I did not mean to say that.

Senator MOSES. A majority of the people of Virginia would favor the freedom of Ireland and would so express themselves?

Mr. O'FLAHERTY. I said they would if there was a plebiscite. I believe they would so declare themselves. I have never seen a Virginian yet that was not in favor of freedom, and especially the freedom of Ireland.

Senator MOSES. What attitude do you think they would take in Virginia on a plebiscite on the league of nations?

Mr. O'FLAHERTY. I would not want to answer that. If you would come around and ask me as a lawyer I would not want to answer that.

STATEMENT OF HON. W. BOURKE COCKRAN.

Judge COHALAN. Mr. Chairman, I desire now to present the last speaker of the hearing. I want to say first, a word of thanks, and to reserve the right for filing statements, which you gave some time ago, from a great many people from different parts of the country. I shall not take up further time now, except to present one of the foremost men of the country and of the Irish race, a scholar, a student of affairs, a statesman, and an orator, Hon. William Bourke Cockran, of New York.

Mr. COCKRAN. Mr. Chairman and Senators, I would like to begin by answering some questions that were propounded this morning to gentlemen who appeared here in opposition to this proposed League of Nations. One of the most important was that of Senator Borah, who asked if it were true, as some gentlemen have contended on the floor of the Senate, that if this League of Nations be established it would prove a very effective agency through which Ireland could obtain her independence. I take it that Senator Brandegee's question was put in amplification of Senator Borah's inquiry, because he said Senator Walsh made practically the same statement in the course of debate.

Senator BRANDEGEE. I did ask such a question; but I did not know that Senator Borah had previously asked it.

Mr. COCKRAN. I shall, therefore, answer both Senators together. I think that Senator Walsh supplied the answer to his own contention most effectively. He said, as I recollect, that there were three means by which a subject nation could effect its independence. One was by consent of the governing nation, the other was by revolt of the subject people themselves, the third was by outside intervention, and he claimed great credit for the proposed League of Nations, because it prohibited but one of those methods of relief, leaving the other two open and available. The objection to this position is that no nation ever did achieve its independence by consent of the dominant power, or by naked action of its own people. Every successful revolution of which I have any knowledge was effected through outside support. The American Colonies would not have been free but for the intervention of France. Cuba would still be under the domination of Spain but for the intervention of this country, and Greece would still be languishing under the heel of the Turk if it had not been for the assistance of Christendom. So that when Senator Walsh says that by this treaty subject nations are deprived of but one avenue of escape from servitude, the answer is that they are deprived of the only one through which escape can be effected.

There is another question which Senator Brandegee asked that I think ought to be answered. He inquired whether appeals are allowed from decisions by a single official committing Irish men and women to jail for long periods. At this time Ireland is practically under martial law—which means no law at all—or what is virtually its equivalent, "The defense of the realm" act. Everybody understands that martial law is suspension of law, substituting for law which is a regular fixed rule of conduct, the whim or judgment of a single official. In Ireland, under the present system, the people are governed by two whims, either one of which constitutes the rule of conduct for the population. One is the whim of the commanding

military officer, and the other is the whim of an official called a resident magistrate, apparently for the reason that he is never a resident of the locality in which he officiates. The expression, "R. M.," officially intended to signify resident magistrate, will describe him much more correctly as "removable magistrate." He is the only magistrate under the whole British system who is removable at the pleasure of the Crown. I need not remind the chairman of this body that the chief fruit gained by the revolution of 1688 was termination of the system under which judges were removable by the Crown, and under which they were, in the language of Lord Macaulay, not champions of truth and justice, but "greedy and ferocious butchers," eager to satisfy every demand of despotism.

The removable magistrate always dreads removal, and the only way to avoid it is by delivering the judgment which the prosecuting officers desire. The effect is that if a man makes a speech, as Mr. Walsh told you, advocating the Republic—nay, if he utter a word which the police dislike—he is promptly haled before either a drumhead court-martial or one of these resident magistrates and condemned without any chance of appeal to the hideous indignities which have been described so forcibly here to-day. Nothing could illustrate more strikingly the conditions against which Irishmen are in revolt than this deliberate establishment in Ireland by the English Government of a judicial system so fruitful of abuse that Englishmen themselves rose in revolution to drive it from their own country.

When conditions somewhat similar, though I do not think they were quite so onerous, existed in Cuba, the chairman of this committee, and I think many others of its members, were quick to insist that intervention to stop those outrages became a task imposed upon us by our primacy of civilization; that continuance of a government which had become perverted from its natural functions of defending peace and order to perpetrating the very outrages on justice which government is organized to prevent, was an injury to civilization which all the forces of civilization should combine to remove. And we, as chief among those forces, drew the sword and ended that abominable system in Cuba. A worse system exists to-day in Ireland. It can be terminated, as far as we can see now, by no means except the influence of this American Republic, and we are here to protest against any treaty, League of Nations, or whatever it may be called, that will exclude consideration of the monstrous conditions that afflict Ireland from the jurisdiction of the conscience of civilization, of which the Senate of the United States has always been the foremost and best exponent.

I pause for a moment to say that if there be any other Senator who wishes to ask me about present conditions in Ireland I will be very glad to answer him. If nobody cares to put a question, I shall proceed to discuss the treaty now before you purely from an American standpoint.

Mr. Chairman, the gentlemen who preceded me have all said, with great force and feeling, that while they are of the Irish race they are of American birth, and that they love above all other things the country in which they were born. I am an Irishman by birth as well as by blood. And the reason I am here is that I do not want the Government whose shelter from my earliest youth I was resolved to seek, whose benefits I have enjoyed, to be emasculated, impaired,

or destroyed, as I believe it will be, if this treaty is ratified. And in saying this I speak not alone for myself—my race is well-nigh run—but for my entire generation and the generations that are to follow. The light that inspired me and millions like me to cross the seas I hope the Senate will not suffer to be extinguished, but that through your action now it will be maintained strong and effulgent for all the children of men throughout the world.

Mr. Chairman, whether the right of this country to interfere—at least so far as to exert its moral influence—for deliverance of Ireland from conditions that are a scandal to civilization shall be preserved or whether it is to be renounced and destroyed by ratification of this treaty, is not an Irish question. It is not a question affecting solely England's domestic politics, as some gentlemen have contended. It is an international question, because it is a question affecting the peace, and, therefore, the welfare of the entire world. Judge Cohalan has told you there can be no peace throughout the world until Irish discontent is composed. This is not—as many might say—a mere expression of exaggerated rhetoric. It is the sober, accurate statement of a fact which all history attests.

It is certainly one fact of history which none can dispute that every great war which became general—every one became general by England's entrance into it—and which has scourged the world for the last four centuries, that is to say since the emergence of modern civilization from the wreck of feudalism, has had its beginning in Ireland—every one, without exception.

This last war which has just closed, we all know was caused by the German Emperor's belief that civil commotions in Ireland made 1914 the period when he could strike his long-meditated blow for world dominion, with the strongest hope of success. The great wars of the French Revolution which culminated in the Napoleonic wars, began with representations of the united Irishmen through Wolfe Tone to the revolutionary government in France that the conditions then prevaling in Ireland—brought about by the deliberate recall of Lord Fitzwilliam and the refusal of concessions which had been promised to the Irish people—had made the land ripe for rebellion. The hostile manifestations by the French people and their government which these representations provoked, were the chief causes that led Pitt reluctantly to join the alliance against France. The attempt of Hoche's expedition to land in Ireland, which was frustrated when his ships were blown by a gale out of Bantry Bay in 1796, marked the real beginning of that desperate struggle between England and France, which after ravaging Europe for a generation ended at Waterloo. At the close of the seventeenth century, it was the intervention of Louis XIV in aid of the Irish attempt to maintain James II in possession of his crown which brought about the Grand Alliance against him, that afterwards as the war of the Spanish succession plunged Europe in the disastrous conflict that was settled by the peace of Utrecht. The great war between Elizabeth and Philip II of Spain for control of the seas began with a descent of Spanish and Portugese soldiers on the coast of Kerry, who were all killed to a man after they had surrendered to Sir Walter Raleigh, and whose massacre is the only cloud on the fame of that knightliest figure among Elizabethan warriors.

Why is it that every world war, if not actually caused by Irish discontent, has yet made Ireland the theater of its first beginnings? This can not be due to a mere fortuitous combination of circumstances. My purpose is to show that the condition of Ireland has been a constant invitation to every country with a grievance against England to strike her at that spot where she was believed to be vulnerable, and where she will continue to be vulnerable just so long as the oppressions against which the Irish people have struggled for eight centuries are suffered to exist. So that the Irish question is not a matter that affects England and Ireland alone, and one which therefore can be called domestic. It is one that has affected the peace of the world for four centuries and which will continue to affect it—in the very nature of things—so long as it is permitted to remain an open sore in the side of Christendom. To compose this difficulty and settle it is a task imposed upon the statesmanship of civilization, and, therefore, it rests peculiarly on your shoulders, Senators, charged as you are at this moment with responsibility for the conditions under which peace is to be reestablished throughout the civilized world.

Probably the greatest difficulty in dealing with the Irish question is to understand just what it is. It has been so misrepresented—and by the greatest masters of ingenuity in misrepresentation that the world has ever seen—that many men, ordinarily well informed, are in doubt as to just what it is that causes the Irish complaints. We are told that other countries have been conquered as Ireland has been, and yet they have long since ceased to complain of the conquest, or even to think about it. We are told that Irish grievances are fanciful, not real; that they are not caused by injuries which are actual, but by recollection of ancient injuries springing from laws which have long since been repealed. We are told that Ulster is prosperous and contended while the rest of Ireland is discontented and poor because its people are improvident, shiftless, idle; and that this demand for Irish independence merely embodies—while it disguises—the desire of an improvident, shiftless, idle majority to obtain—and abuse—the power of taxation over a thrifty and prosperous Irish minority.

It is also said that there is a religious question involved; that Ireland's refusal to acknowledge the authority of England is but the intolerance entertained by one religious sect against another—the disposition of Catholics to oppress and drive Protestants from the country. These, I think, are all the grounds on which are based opposition to recognition of the Irish republic. They are set forth in a brief submitted to this committee by certain persons claiming to speak for Irish Unionists, which I have just been permitted to read. Now, if these statements are true, if Ireland has been reduced to its present condition by the faults or vices of her own people, sympathy for them would be useless. They are incapable of improvement. They must inevitably disappear from the earth which they encumber and discredit. But if the evils which afflict the Irish people be the direct result of laws which have produced intolerable conditions, that still exist although the laws themselves have been repealed, and if it be true that England has shown she is incapable of doing justice in Ireland, even when a majority of the English people are really anxious that it should be done, and the English Parliament solemnly resolved to do it, then there can be but one outcome. Either English rule in Ireland must be ended or the Irish people must be exterminated.

That is the alternative, I think it is entirely capable of demonstration that the Irish people can not be exterminated, and extermination being impossible, emancipation is imperative.

Let me explain to you why it is that although these oppressive laws have all been repealed, the conditions they produced still continue. All the history of Ireland ever since the first Norman invasion has been an unbroken record of conquests, and seizure of lands—first the devastation of land always followed by confiscation. But neither conquests not confiscation sufficed to keep the country permanently impoverished. From the first landing of Strongbow in 1172 down to the final overthrow of Irish independence by William III, the Irish people after each invasion and devastation restored prosperity with a celerity and completeness that have been marvels to all historians.

Mountjoy, under Elizabeth, reported to the Queen that everything capable of supporting life in Ireland had been burned to the roots, that the whole Irish population had been exterminated, except a few fugitives who had taken refuge in morasses where they could not be reached, but where, for lack of food, they must inevitably starve. And yet in the very next reign Ireland was blooming like a garden. In the time of Charles I the prosperity of Ireland had already awakened the envy and cupidity of Englishmen; but the Irish, with that peculiar sense of loyalty, which is one of their characteristics—often misdirected because carried to excess—having embraced the side of the King, fell under the vengeance of Cromwell. Again the island was devastated with fire and sword. The whole of the land east of the Shannon was confiscated. The entire native population outside of many thousands who were slain, and other thousands sold into captivity, was transported west of the Shannon to a soil which was believed to be so sterile that it could not afford subsistence to human life. Cromwell's brief statement of his policy was that the Irish must go "to hell or to Connaught." Well, they went to Connaught, but they did not go to hell [laughter], because there was always one Irish champion whom, some way or other, the British arms could never overcome, and that was the Irish girl. Any Englishman who received land and settled upon it soon fell under her influence. That was already so clearly apparent in the time of Richard II that he passed the statute of Kilkenny forbidding any Englishman who had received land in Ireland from marrying an Irish woman. But the Irish girl was too strong for statutes. She continued to marry the English settler in the teeth of all prohibitions, and the offspring of those marriages were the strongest Irish patriots.

Although the land had been laid waste with a fury hardly ever paralleled in the annals of mankind by the Englisn Parliamentary forces, first under Cromwell and after him under Ireton and Ludlow, yet when William III in the next generation faced a patriot Irish army, a large part of it was composed of the sons of those Ironsides to whom Cromwell granted land in Ireland. After that dreadful Cromwellian devastation the recovery of her prosperity by Ireland in the reign of Charles II is declared by Macaulay to be the marvel of all history. It is acknowledged even by Fronde—who will not be suspected of any partiality toward Ireland—that in the reign of Charles II practically the entire transportation of goods by sea from the Old World to the New was carried on in Irish bottoms. Irish cattle and horses commanded the highest prices in English markets, and Irish woolen products were considered to be the very finest in the world.

Almost immediately after his accession this king for whose father Ireland had incurred the resentment and fury of Cromwell, yielding to representations by merchants of Bristol, excluded Ireland from the operation of the navigation act. The effect of this was a total destruction of the Irish shipping trade, from which it has never recovered. Next, in obedience to a demand of English agricultural interests, exportation of Irish cattle and horses to England was prohibited. That reduced property in livestock to one-tenth of its former value. But the woolen industry remained, and probably from the fact that the energies of the country were now mainly directed to it, and the whole capital of the nation largely absorbed in it, the manufacture of Irish cloth expanded to a degree unapproached in any other country of the world.

But when William III finally established his authority by the victories of Aughrim and the Boyne, and by his treason at Limerick the surrender of which he accepted on terms that permitted the garrison to march out of the city and the country, while at the same time guaranteeing to the Irish people the right to practice their faith, prosecute their trade and retain their property—a treaty that was violated the moment the Irish army had departed from Ireland), then the system was adopted which Edmund Burke has described in words probably familiar to every one of you. He said the Irish penal code was "*as well fitted for the oppression, impoverishment and degradation of a feeble people and the debasement in them of human nature as has ever proceeded from the perverted ingenuity of man.*" That system produced the conditions which to-day afflict and distress the Irish people and which can be ended only by ending the dominion of England over the country.

After all former confiscations and devastations the country recovered rapidly because the people were allowed to resume possession of the land. But the devilishly ingenious system adopted by William III and his immediate successors precluded any possibility of an Irishman being able to obtain any part of the land on which he lived.

A succession of statutes enacted during 50 years resulted in a body of laws under which no Catholic—that is to say no native Irishman—could hold land. The whole surface of the island had been confiscated. The original owners of the soil were allowed to dwell upon it merely as tenants at will. The confiscated lands were not bestowed, as in former cases, upon English soldiers who settled in Ireland, but upon favorites of the English court in large areas of 5,000, 10,000, 15,000 and even 30,000 acres, who never lived in Ireland, who never intended to live in it, who seldom if ever visited it. Every Catholic was prohibited not merely from holding land but from leasing it for a period longer than 5 years. He could not own a horse worth over 5 pounds. If a Catholic appeared in a public place mounted on a horse any Protestant could take possession of the animal by tendering the rider a 5-pound note. Beyond impoverishing the Irish people it was sought to accomplish their degradation by forbidding the education of youth. The only element of the community capable at that time of imparting education was the clergy, and the priest who taught a school was declared guilty of a capital offense. The spectacle was common of a priest's dead body hanging in chains, executed for no other offense than that of having undertaken to instruct an Irish

boy. Not content with seeking to accomplish the intellectual degradation of the people these statutes sought to corrupt their morals by undermining the foundations of the family. The son who accused the father of being a Catholic and proved it could at once take possession of the estate. The wife who informed on her husband was at once accorded a separate and independent interest in his property. So that wifely loyalty and filial piety; every emotion which in civilized countries is considered necessary to the well-being of a community, and therefore to be encouraged by government, was perverted in Ireland to the injury of morals and the disruption of society.

Under this system the people hardly ever came in contact with the owners of the soil. In almost every instance an agent represented the alien landlord. The value and efficiency of that agent were determined by the amount of rent which he could extort from the unfortunate occupants of the land. If a man by dint of arduous labor improved the soil he occupied and made it more valuable, the agent at once descended upon him and raised the rent. Not merely were all the fruits of his own labor confiscated but all his neighbors were promptly informed that unless they made their soil equally fruitful and raised the same amount of crops, that is to say, paid the same rent, they would be evicted. And eviction was death. Not merely was industry made unprofitable by this hellish system; it was made unpopular. The laborious man did not benefit himself, but he brought disaster upon his whole neighborhood. The unfortunates who were evicted were left to starve on the highways. There was no other occupation in which they could find a livelihood because, by a refinement or cruelty that is almost inconceivable, the only industry that survived the hostile legislation of Charles II—the woolen industry—was entirely destroyed by William III. It was not taxed out of existence. It was not made to bear burdens imposed avowedly for support of the State, which prevented it from being prosperous. It was prohibited absolutely and unconditionally. All existing factories were suppressed and the people were forbidden, under heavy penalties, from attempting to engage in the woolen trade. More than that, the Irish wool, at that time—the Australian wool not yet having become available for the world's necessities—was of a peculiarly valuable character. Not merely was the manufacture of woolen goods prohibited in Ireland but exportation of Irish wool was prohibited to any place except six English cities, the idea being that the English manufacturers by these restraints would be enabled to obtain Irish wool on his own terms. But there was an extensive woolen industry in the low countries where a great demand arose for Irish wool as soon as its manufacture was suppressed in Ireland.

Wool that would bring 6 pence at Bristol commanded 1 shilling and 7 pence in Ypres and in other Flemish towns. Quite naturally smuggling of Irish wool to the Continent became one of the chief occupations of the Irish people. But the worst feature of this oppressive measure was not the loss of money or of property that it entailed. It was this: Wool being contraband, trade in it could not be prosecuted through bills of exchange and other devices of banking which govern commerce. It could only be bartered for some commodity not easily discovered, for everywhere the Irish coast was patrolled by British officers charged with the duty of preventing smuggling where they could, and punishing the smugglers where prevention

was impossible. Wool was exchanged mainly for Flemish wines. This extensive importation of wines was the cause and the beginning of that intemperance that has been the curse, Senator [turning to Senator Phelan], of your country and of mine, of your race and mine, for 250 years. Before the beginning of the seventeenth century the Irish were a temperate race. But the example of the well-to-do consuming expensive wines soon caused a demand for coarser and cheaper intoxicants by the less prosperous. To meet this demand the manufacture of illicit whisky became extensive and the people gradually sank into that dreadful intemperance from which they have suffered both at home and abroad ever since. Mr. Chairman, the curse of this intemperance has been Ireland's, the shame of it is England's.

I am not saying this on my own authority. Here again, sir, I am quoting from James Anthony Froude—the apologist of English excesses in Ireland—who, indeed, seems to complain that if these enormities had gone further the race would have been exterminated and the Irish question settled finally and without appeal.

Now it is quite true that these proscriptive laws have all been repealed. They began to disappear in the latter half of the eighteenth century. And it is to the credit and glory of this country that their disappearance began when fugitive Irishmen—Presbyterians who fled from the enforcement of the test acts and settled in Pennsylvania, and Catholics who had fled from other parts of the Island—were found fighting side by side under the banner of Washington for freedom, justice, and right. Up to that time religious proscriptions were not confined to Ireland. They were universal. They were based on the assumption that anything like diversity of religious faith among the people of a State weakened it, and therefore, it should be prevented by the Government. The Hugenots were placed under serious disabilities in France, so were the Catholics in England. But in Ireland it was the distinctive feature of these proscriptive measures that they were not intended to discourage Catholicism or encourage Protestantism, but to degrade the whole people by plunging them into ignorance, and by corrupting every avenue through which could be reinforced those virtues and qualities that are considered essential to the well-being of every State. In Ireland the faith professed by the people was proscribed with a violence which nowadays can hardly be understood. And this fact must be borne in mind when you consider the Irish question. It is the only country in the world where the people have remained steadfast to a faith that had been proscribed. In every other country the people adopted in a body the religion that its Government established. England became almost uniformly Protestant, or at least non-Catholic under Henry VIII; almost uniformly Catholic again under Queen Mary; Protestant once more under Queen Elizabeth; and it was ready for another change to Catholicism—according to the historians—if James II had but governed with a little more sense. And so the religious complexion of the French people was decided by the result of the religious wars.

But in Ireland the majority of the people remained immovably attached to the faith that was proscribed and prohibited under drastic penalties, though they had to sacrifice for it not merely every element of property they possessed but every hope of improving their

condition. The extraordinary thing about their tenacity in this respect is that it was maintained, without those aids to fervor which the Catholic liturgy affords. Such a thing as a great religious ceremonial had not occurred in the country, at the time of which we are speaking, for 150 years. Their lands confiscated, their faith proscribed, they practiced the rites of their church crouching in garrets and hiding in out-houses. Driven from the towns and villages, they took refuge in some mountain glen, and there, under the broad canopy of heaven, the rains falling on them, oftentimes knee-deep in mud, with sentinels posted at each end of the glen watching for the priest hunter, who was an established feature of these conditions, all cotemporary writers agree in saying they worshipped with a fervor never shown in the stateliest cathedral ever raised by the hands of piety to the worship of God. Even after they had regained the right to practice their faith it has been remarked that they showed very little regard for its ceremonials. But nothing could swerve them from attachment to its tenets and teachings. And as they remained immovably attached to their faith, so also have they always been unswervingly steadfast in maintaining their national life. It is a peculiar feature of this determination to maintain their national existence that it does not seem to be based on any hope for the future. This is clearly reflected in their poetry, which is perhaps the most melancholy in the world, as it certainly is among the most beautiful. I am one of those who believe that sorrow has always been the source of exquisite poetry. I have never known a sublime note to be inspired by prosperity. Not merely is there a vein of profound melancholy through all Irish poetry, but it never expresses any hope for the future. Yet there is never a note of despair in it. Every line of it breathes the determination of Irishmen to love the old sod, maintain the old faith, preserve the old race, though they never again should see the light of freedom. Moore describing the Harp of Tara, silent, abandoned, the chord alone that breaks during the night, telling the tale of its ruin, concludes:

> Thus Freedom now so seldom speaks,
> The only throb she gives,
> Is when some heart indignant breaks,
> To show that still she lives.

Freedom has indeed lived in the hearts of Irishmen under all circumstances; under the darkest skies without any hope of deliverance. Even when there was no chance for Irish arms to fight for it, there was always an Irish heart ready to break for it. Freedom, though denied them as a possession, has always remained an aspiration from which they never could be separated. Such a people can not be seduced from their ideals nor diverted from asserting their right to nationhood. Such a people can not be dubdued, and, therefore, Senators, I submit to you with all frankness and perfect confidence that the only alternative which the Irish question presents is extermination or emancipation of the Irish people. You Senators, to whom is confided the treaty-making power of this Government, will not suffer the destruction of such a race as this, and if you will not suffer it to be destroyed, then you must insist that it be free. There is no alternative. [Applause.]

Now, with respect to the religious question: It can not be denied that Ireland has been torn by religious antagonism. But the cause of this is perfectly simple. And it should be remembered that whenever the Irish succeeded in establishing control over the government of their own country, as they did at intervals—in 1642 and again in 1688—the first act of the Catholics when they became dominant was to declare absolute religious freedom for all. The reason why religious antagonisms have divided the Irish people is because in that country religion was made the test of political rights and property rights. When a man could be ousted of his property because he was a Catholic (and that by a person bound to him by the closest ties of kinship); when a man could be deprived of the horse he rode by a total stranger on the tender of a 5-pound note because he was a Catholic; when he was excluded from every office under his government and denied the right even to educate his child because he did not profess the faith established by law, it was inevitable that the victims of such oppression and the beneficiaries of it would be influenced by hostility against each other.

I should add here, in order to explain why Ulster was prosperous while the rest of the country sank into misery growing ever deeper, that a totally different system of laws prevailed in the one place from that which governed the other. In Ulster, ever since its "plantation" by James I, there was in force what is called "Ulster Tenant Right." Under it the occupant of the soil could till it and improve it with a certainty that every improvement he made was his property to enjoy it while he remained in occupation.

The landlords had no longer any inducement to remain in the country. Again they became absentees, and the remarkable prosperity produced by that short period of independence was changed to a long, unbroken period of progressive decay. Again the rack-renting agent drew from the soil everything which it yielded beyond what sufficed to afford its cultivators the barest subsistence. And for this chance to live there was the fiercest competition among the members of the wretched population, each one eagerly bidding against all others for the privilege of cultivating the land upon any terms whatever. Under this competition conditions of life sank so low that the Irish peasant never tasted meat from one year's end to the other. The potato became the sole support of his existence. And when in the years of '46 and '47 there was a general failure of the potato crop throughout Europe it was a source of loss to the people in other countries, but in Ireland it caused actual starvation. We often hear of the "famine" in Ireland. But strictly speaking there was no famine. While the people were dying by hundreds of thousands for lack of food, there passed before their eyes along the highways droves of cattle, wagons laden with foodstuffs, all products of their own labor sent out of the country to be sold and the proceeds paid to alien landlords.

In any other country in the world these abundant supplies would have been seized and the people would have used them to avert hunger. In Ireland an exaggerated sense of property led the people to perish of starvation rather then take what according to law belonged to the landlord. But it is said, Ireland is governed by exactly the same law as England with respect to land. Quite true, but the

conditions established under these laws in the two countries are widely different. The English landlord always lives upon his estate, the Irish landlord seldom if ever. The English landlord has always held himself to be the chief of an industrial family, the head of a great industrial organization, dividing the whole product of the soil with those who have aided in cultivating it.

I know of nothing more impressive in civilized life than the manner in which these English lords of the soil exercise their ownership over it for the benefit of the people who cultivate it and for the glory of their country. The manor house which to many casual observers is a mere abode of elegant luxury is actually to the great agricultural organization of which its owner is the head, what the countinghouse is to a factory. From it the landlord directs all the energies of his tenants and dependents. This landlord is never "off his job" for a moment. Even in his amusements he is always discharging his duty, fulfilling his task.

We often hear of the claret-drinking, fox-hunting squire, as though his whole life were devoted to the consumption of wine and the hunting of foxes, and he does spend a good part of his time in these agreeable occupations. [Laughter.] But when he is hunting over his own fields and those of his neighbors he is scrutinizing his fences and the condition of his farmers' and laborers' cottages and comparing them with conditions existing on the estates of other landlords. When he is shooting he may be conscious of nothing except a desire to kill partridge or snipe, but to reach this game he must walk through the stubble in which the birds are concealed and there he is necessarily informed of the manner in which the field is cultivated by his tenant. If the fences are broken, cultivation of the field inefficient, cottages dropping into decay, the tenant is required to explain. If that tenant can show that he is not responsible for these conditions and could not avoid them the landlord himself always feels bound to repair them. If, for instance, the tenant by reason of a large and growing family finds himself unable to continue paying the rent he had previously paid, no English landlord would ever think of evicting him. The opinion of his own order would forbid it. To throw a deserving man out on the highway who for reasons beyond his control was no longer able to pay his rent would be an offense against his obligations as a gentleman, almost worse then cheating at cards. But while public opinion in England makes the landlord a trustee for the benefit of those who under his direction cultivate the soil, the Irish landlord, who seldom lived in the country or saw his property, was under no restraint whatever in dealing with his tenants. His sole object was to obtain and enjoy the uttermost penny that his agent could extort from them. And thus it came to pass that the very same man—and I am speaking now, Mr. Chairman, of matters within my own knowledge—who in England is the very embodiment of paternal care for his tenants, would suffer an estate owned by him in Ireland to be administered with a ruthless cruelty which produced conditions difficult for us to conceive in this country. The absentee Irish landlord, though he was oppressive, was not always consciously cruel in the treatment of his tenants. The system made him a tyrant or at least tempted him to tyranny even when he himself was naturally well disposed.

One man of my own acquaintance who is still living, and who occupies a very prominent position to-day in English public life, the younger son of a great noble, became a naval officer and received from his father when he came of age, a property that yielded about £1,000 a year. This property which he had never seen was managed by an agent. He went on the turf and in the course of a few weeks the thousand pounds which constituted his annual income passed from his pockets into those of enterprising bookmakers. As was usual with Irish landlords living out of the country, he wrote a letter to his agent asking if he could not send him some more money. The agent answered that the income from his property might easily be doubled. "Why the mischief then don't you double it," he asked. "I want to be sure," the agent answered, "that I will be sustained." Now this man is quite an extraordinary person, gifted with a mind singularly effective in analysis. Concluding from the agent's statement that there was something about the matter which needed explanation, he resolved to visit the estate and ascertain for himself the real condition. The agent met him and escorted him over the property, showing him various farms for which the rentals paid he said were entirely inadequate, and finally reached one which seemed to be particularly well kept and prosperous. "There," said the agent, "is one of the best farms on the estate. It is easily worth 2 guineas an acre, and all that the tenant pays for it is 2 and 6 pence." When the landlord asked why the higher rental was not obtained for it the agent asnwered that when rentals had been raised on Irish estates the agents always incurred bitter enmity. This they were prepared to face, but they had not always been sustained by their principals. And this particular agent before he took any steps to increase rentals wanted to be assured that he would be supported by the landlord in any trouble that might ensue.

Now, this particular landlord from his entrance into the naval service, had always made it a rule when anything under his authority went wrong to go and ascertain the cause of it for himself. Even after he rose to be an admiral—I may as well say that the man of whom I speak is Lord Charles Beresford—if an engine on any ship of his fleet was reported out of order he never contented himself with sending an engineer officer to find out what was the matter. He always ordered a boat lowered and went and ascertained it himself. And so when the agent made this statement about the farm renting at what appeared to be such an extraordinarily low rate Lord Charles concluded that he would go and see the tenant personally and get his side of the matter. The following morning he appeared at the cottage door and was welcomed by the occupant, whose name I think was Monahan. To enter a house in Ireland no introduction is necessary. Anyone who appears on the threshold is sure of a cordial reception. After exchanging a few pleasant words with Mr. Monahan, Lord Charles made some observations on the excellence of the farm. Now, an Irishman who receives congratulations on the farm he occupies always discerns in the compliment a potential, if not probable rise of rental. And so when Lord Charles asked him how it happened that he only paid 2 and 6 pence an acre for land easily worth 2 guineas, the tenant said, "And may I ask, sir, why you busy yourself about my farm, or the rent I pay?" Whereupon Lord Charles said, "I am your landlord." And then this man, well-nigh

80 years of age, broke down and wept like a child. The dread stroke, which every Irish tiller of the soil who has made it productive always apprehends, seemed to have fallen. In piteous accents he sobbed, "Oh, my lord, for the love of God, don't take the farm from me. It is true I am paying but 2 and 6 pence an acre for it, but when I came here that land was not worth 6 pence an acre. The value it has to-day is the result of work put into it by me and my boys during the last 50 years." Four sons, the oldest nearly 50, the youngest over 40 years of age, had all spent their lives in helping him to effect this improvement. "My lord," he said, "I will give you half of it, I will pay 1 guinea an acre, but let me keep the rest," and Lord Charles said, "No, Mr. Monahan, I am sorely in need of money but I would have to be much harder up before I could take away from you the fruits of your life work and of your four sons. Keep your farm at 2 and 6 pence an acre as long as you live."

Now, suppose this particular landlord had not taken the trouble to ascertain for himself just how his agent could have increased the rentals of his property, that tenant and his four sons would have been evicted, turned out on the road to die, unless they could obtain enough money to buy a passage to this country. And in just that way and under just such conditions hundreds of thousands—aye, millions—of Irishmen, victims of this accursed system, have been driven from their own hearthstone to seek asylums in this country and other lands beyond the sea. But their love of Ireland instead of diminishing, grew deeper by absence from the soil. That love they have transmitted to their children, and to their children's children, many of whom have never seen the country which they love with an ardor that is unquenchable. It is this greater Ireland beyond the seas which rises now to denounce that accursed system before the bar of public opinion throughout the world. The conscience of Christendom has already decreed that the system must end. And I pray, Senators, that you will not, by ratifying the treaty, prevent the United States from proving itself, through all the years to come, as it has been in the years that are past, the most effective agent in enforcing the decrees of civilization in favor of liberty and justice.

So you see the conditions produced by the abhorrent laws of the eighteenth century have continued down to the present day. The laws themselves have been repealed but the conditions they produced remain. It is true that in law Irishmen can now purchase property and hold it without any disqualification on the ground of religion. But practically land in Ireland was, until very recent years, absolutely unattainable; first, because the Irishmen, excluded from all avenues of productive industry for generations, had not the capital wherewith to purchase land. And if by any chance he became possessed of sufficient means to purchase land, it was a point of honor among the landlords not to sell. Thus conditions originally produced by law have been perpetuated through custom. They continued unbroken until the Wyndham act of 1902 was passed.

The results produced by that measure before the war were amply sufficient to convince the most skeptical that the wonderful industrial efficiency which enabled the Irish, after every devastation of their country, to restore prosperity in an incredibly short space of time so long as they were allowed to regain access to their soil, had not

deserted them or diminished in the slightest degree. Just consider for a moment the immediate effects of that legislation. Remember that by this measure the Irish land was not taken from the landlord and given to the tenants without compensation of any kind as it had been originally taken from its occupiers. It was taken at a high valuation, and after this high valuation had been fixed by mutual consent 12 per cent in addition was given to the sellers as a bonus. That was all charged upon the land, the occupier of which was empowered to take possession and to become the absolute owner on paying the total amount of the purchase price in installments extending over 62 years—I think that was the number of years. Under that law one-half of the land of Ireland passed into ownership of its occupiers. The transfer involved some twelve hundred thousand transactions. And, what absolutely seems to transcend the possibilities of human capacity, there was not a single default, so far as I know, in fulfilling any of these agreements. Never in the history of man have transactions on a scale so stupendous occurred without a single breach of agreement.

Not merely was the letter of every agreement observed by the Irish, but they cultivated the soil thus restored to them with such energy and efficiency that by 1914 they had already effected a wonderful revolution in their condition. The cabins—the hideous, noisome cabins which I myself remember, in which we would not suffer a pig to exist now, where human beings, 9 and 10 in number, and animals, if they were lucky enough to have a pig or two, dwelt together promiscuously under a few sods placed against an upright pole, an open space at the top allowing smoke from turf and such articles as they burned, to escape—have all disappeared. Decent white-washed cottages have replaced them. Implements of industry are kept in excellent order. I never saw better horses anywhere than in Ireland while I motored through it in 1913. It seemed as if the Irish people were once more on the very threshold of a prosperity such as had blessed the land between 1782 and 1800—the monuments of which are those beautiful buildings that ornament the city of Dublin to the admiration of visitors from every part of the world.

At this time while prosperity was returning apace, and prospects brightening steadily, the British Government undertook to pass a measure of home rule, encouraged doubtless by the excellent use which the Irish people had been making of their land. This measure did not in fact provide for home rule at all. The body it proposed to create was not a parliament, but a commission to propose measures for the English Parliament. Certain subjects were relegated to this new body but the power of the English Parliament over it was supreme—so complete that not merely was the right reserved to set aside any act which the Irish Parliament might pass but where that parliament had acted on a subject entirely within its jurisdiction the British Parliament was free to pass a different act, and this act of the Imperial Body was to prevail as the supreme law of the land. Here surely was a measure which the most radical English opponent of Irish home rule could well have afforded to accept. Though it did not establish an Irish Government in any sense of the word yet the Irish representatives who then appeared to speak for the majority of the people, accepted it. And there was every reason to believe

that its enactment might effect a complete settlement of this difficulty which for centuries had disturbed the peace of mankind. But a number of Ulsterites encouraged by leading politicians of England (openly by all the Tories and secretly by many of the so-called Liberals) resolved to resist by arms the establishment of anything resembling a government in Ireland even though the limitations of its powers reduced it to little more than a shadow or simulacrum of government. These men were among the most prominent of the community. They organized regiments, paraded them in public reviews and audaciously imported 100,000 stands of arms to be employed against the British Government if it undertook to enforce a home rule act.

Mr. Carson, who had been a high official of the crown, organized what he called a provisional government and one, F. E. Smith, who is not an Irishman, who has not a drop of Irish blood in his veins, who had no connection whatever by blood or property with the island, came over to Belfast, visited various places in Ulster and joined in arrangements to resist establishment of home rule. After this rebellion had been proclaimed and its forces actually organized, the Irish nationalists, who, mind you, were maintaining in office, the British Government then in power (it did not command a majority in parliament, except by the votes of Irish members) undertook to organize a volunteer force for the purpose of supporting enforcement of the home rule measure. And then what happened? This Government, maintained in office by Irish votes, forbade by proclamation admission of arms into Ireland, after the Ulsterites had obtained arms sufficient to equip the regiments they had organized for rebellion but before the nationalists volunteers were able to obtain any military equipment whatever. But even this did not satisfy these audacious rebels. Disregarding the proclamation of the Government and flouting its authority they brought a cargo of arms into an Irish port and were suffered to land them without molestation or interference. Their defiance of authority was in fact treated as an excellent joke and became a subject of laughter. Gun running promised to become the favorite sport of these chartered rebels—chartered by the very Government they were defying. But when the nationalists undertook to bring in a cargo of arms the British soldiery appeared upon the spot and with bayonet and bullet prevented them from landing a single rifle, shooting down women and children who happened to be spectators. And so sedition was preached and practised with impunity in Ulster while Irish nationalist volunteers when they attempted to sustain the Government were prosecuted and dispersed by order of the very men they kept in office. But even that was not all.

Under a new development of the British constitution a measure may become law notwithstanding its rejection by the House of Lords after it has been enacted three times in the House of Commons. This home rule bill had been enacted once, and while the second enactment was in progress the military authorities—not the volunteers—but the regularly organized military forces of the Empire encamped at Kildare—were notified that possible violence in Ulster might require intervention by the soldiery to overcome it. And forthwith all the high officers, with the exception of Gen. Paget, resigned their commis-

sions and announced they would not draw their swords to maintain the authority of their Government because it would be drawing them in behalf of a cause which the Irish people supported and against the Ulsterites who were their personal friends and with whose openly proclaimed intention to resist by arms the operation of a law enacted by the British Parliament they were in full sympathy. And these mutinous officers, instead of being court-martialed, degraded, discharged, and shot, were not even questioned. Not merely were they suffered to retain their commissions, but most of them were actually advanced to higher commands.

Can you wonder at what followed? The Great War came on. Mr. Redmond, acting for the nationalists, pledged the Irish people to support the British cause. I think he made a capital mistake when he said, that the Irish people would be satisfied to wait for enforcement of the home rule bill after the war was over. However, this may be, certain it is that when the enlistments opened Irishmen went to the colors in great numbers. The nationalist leaders asked that these Irish soldiers be performed separately so that such deeds of valor as they accomplished would redound to the glory of their race. The request was denied. They were drafted into various regiments and companies. But wherever the fortunes of war were desperate and the casualties heaviest there Irishmen were found in numbers far in excess of the proportion they bore to the entire body of the British soldiery. And though they suffered heavier losses than any other men in the English service, their sacrifices were allowed to pass unrewarded and indeed unnoticed.

But worse was to follow. While Irish nationalists were dying by thousands under the British colors, repeating the sacrifices and services of their ancestors at Flanders a century earlier, it was resolved by the British Government to arrest the leaders of the nationalist volunteers and seize such arms as might be found in their possession. That purpose having become known it provoked immediate spontaneous resistance. Without preparation or opportunity to rally even the scanty force they could command these Irishmen arose in revolt. Numbering less than 2,000 they held two entire British divisions at bay for over a week. And when, after a display of gallantry at which the world has wondered, and without having committed any excesses as their bitterest enemies acknowledged they laid down their arms, the leaders (some 17 in number), were shot in cold blood. These men were the very flower of Irish life. The officials who took the lead in butchering them or in directing their butchery were the very men who had themselves preached rebellion and resistance to the Government. Once more the very best in the land, men of resplendent genius, of virtue personal and civic, absolutely unspotted and untarnished, were slaughtered, and over their dead bodies the basest were rising to conspicuous positions. The same accursed system that raised Emmet to the scaffold and Norbury to the peerage has in these days sent the brightest ornaments of Irish life to stand before a firing squad, and raised to the English woolsack the man who had counselled the course these victims pursued.

Now this simple narrative of facts which we all remember, demonstrates, it seems to me beyond a question, the absolute incapacity of England to do justice in Ireland. Everywhere else her rule may be

beneficent. In her own country she maintains a government certainly better than any other in Europe. Many think it the best in the world. But in Ireland, by the confession of everyone, her own statesmen included, her attempt to govern the country has been the most wretched failure in the whole range of human annals. The reason for it is plain. It arises from a difficulty that is insuperable. For nearly 250 years all legislation in Ireland has proceeded on the assumption that the Ulsterite is a superior being, and that all other Irishmen are his inferiors. This, though fantastically absurd, is not to be wondered at. Because you can not very well rob a man and then admit that he is your equal or that he is possessed of any merit whatever. You must admit and declare him unfit to enjoy either liberty or property at the same time that you despoil him in order to justify the spoilation. English writers and politicians are driven in self-defense to contend that the Irish are a shiftless, worthless, thriftless race, the Ulsterites embodiments of industrial efficiency and frugality. In support of the misrepresentation they quote the prosperity of Ulster, always omitting to point out that it enjoyed the essential conditions of prosperous commerce while the rest of Ireland was excluded from them. The different treatment always extended by British Government (no matter what party controlled it) to the different parts of Ireland, can not be explained upon any other theory. Remember, it was not only English tories who have discriminated against one set of Irishmen in favor of the other. Liberal Englishmen have done it in even a more marked degree. It was a so-called liberal government kept in office by Irish votes that persecuted and suppressed the Irish nationalist volunteers who sought to support the measure of the British Government and encouraged the Ulsterite recalcitrants who proclaimed their intention to rebel against a law which aimed to do a faint measure of justice in Ireland.

All of which shows conclusively that England can not do justice in Ireland. She is absolutely incapable of it. Even when she has tried to do it, she has failed signally and dismally. I believe that the majority of the English people were really anxious to establish home rule in Ireland before the war. They had voted in favor of it. Their representatives in Parliament enacted it, and yet when it came to putting it in operation forces too strong for the Government were able to prevent it.

And all of this, Senators, I believe, leads to one conclusion. Ireland must be released from this incubus. She must be delivered from this body of death, called English rule. She can not continue to exist under it. She will not. She would not deserve to exist if she accepted these conditions of degradation. She will never accept them. Her whole history shows that. There is no way in which her national spirit can be quenched. Efforts the most ruthless, backed by the utmost power of England continued through centuries, have failed to destroy Ireland's nationality. All the leagues of nations which might be formed on this earth could not keep Ireland submissive to this wrong. Thank God for it. In saying that for Ireland, I think I can say as much for America, too. [Applause.] I do not believe all the powers on earth, organized in a league of nations or otherwise, could keep America submissive under a wrong. [Applause.] I do not believe

there is any chance that America will be reduced to a position where her people must revolt against her Government in order that justice may remain their birthright. And, therefore, I am as certain as I can be of anything that this treaty will be rejected, root and branch, as an abomination which the American people can not take to their bosoms. There is but one thing necessary now to effect the emancipation of Ireland and the regeneration of the world. It is that we acknowledge and recognize the simplicities of the situation which this war has created, as Senator Knox described them yesterday, and then govern our course by this infallible guide. What is it that the world needs? Everyone will answer, "Peace." Of course, it is. But, what is peace?

Peace is not merely the removal of contending armies from the field of battle. It means deliverance of the nation from the preoccupation and obsession of wasteful preparations for war. For years before the late conflict began the world was practically in a state of war. It was paying the price of war. Notwithstanding a great increase in the production of commodities prices instead of falling were rising. This increase in the cost of living could be accounted for on no basis except the tremendous expense of supporting 5,000,000 of men in the very flower of their productive efficiency idle in barracks and equipping them with the weapons which would make them effective in battle. That was a terrible burden before the war. But now if that burden is to continue it must destroy or at least imperil the solvency of the entire world. And an insolvent world must necessarily be a starving world.

Remember that during the 100 years of peace which followed Waterloo there was an enormous growth of population. That growth was confined almost entirely to the cities; rural populations declined rather than increased. In all those cities there is not a single human being who produces the necessities of his own existence. Five or six millions of people have established themselves on the Hudson River and the East River in what is called the great city of New York. There they live on the contributions of workers from all over the world. Everything that enters into their industry must be contributed from outside the city. Anybody who has ever looked upon those great chimneys and seen the smoke of manufacture rising to the heavens—incense with industry burns before the throne of God—must realize the close interdependence between all human beings in the world to-day. Everything that enters into manufacture, the very stones of the structure in which industry operates, the very beams of the building in which it is sheltered, the raw materials of manufacture, the clothing and food of the worker, all come from outside. The dweller in the cities depends for his subsistence upon the labor of all the world.

Before the war 4,000,000 of these 5,000,000 people lived literally from hand to mouth. And the same is true of people in every other great city. But now $250,000,000 of the capital by which industry was formerly made effective has perished. Ten million human beings in the flower of their industrial efficiency are dead, maimed, and rendered inefficient. With this loss of capital and of productive energy how are these mighty populations to continue to be fed, clothed, and housed? There is but one way. The waste of war and of preparations for war must be ended. All over the world men must

put away weapons of conflict and take into their hands implements of industry. If disarmament can be made universal, then this war will be converted from the greatest scourge ever laid upon the backs of the human race into the greatest blessing which a Merciful Providence has ever extended to them. It is the unbroken lesson of history that sacrifices imposed on one generation are the necessary price of every great advance material, and moral, accomplished by other generations. The French Revolution, which caused wars that devastated the Old World for over 20 years, resulted in uprooting survivals of feudalism which had seriously hampered industry, and it was followed by an improvement in human conditions so remarkable that when we contrast the conditions of the world during the last hundred years with its condition during any previous period, it seems as if we were considering two separate planets peopled by a wholly different species of animated beings.

And after our Civil War, notwithstanding its enormous waste, the substitution of free labor for slave labor opened a fountain of prosperity which more than repaired in five years the terrible destruction of battle. And now if we can absorb all the energies of mankind in production of commodities necessary to human subsistence, the ravages of this war will be repaired in five years, and the human family will reach a plane of prosperity higher than it has ever achieved. The world is at the parting of the ways. Either it must take, through disarmament, the path leading upward to prosperity that will be immeasurable, or else through efforts to maintain huge military establishments it must sink through confusion and disaster to ruin which will be irretrievable. Which path shall be chosen? Your action, Senators, on this treaty will decide. Mr. Chairman, if we follow the path marked out by this attempt through a new covenant to perpetuate the conditions from which we hoped that the war would deliver us, if we increase armaments instead of abolishing them, if in a word this proposed treaty is ratified, the league of nations, which it establishes, which is a league not to promote peace but to prohibit peace, as Senator Knox has well said, it will prove to be the greatest curse that has ever blighted the prospects of humanity. [Applause.]

But I have not the slightest apprehension on this score. Thank God, a spirit of genuine Americanism survives in the Senate which will deliver this country from the peril that threatens it and dispel from our horizon the cloud that darkens it. I think I may say with perfect confidence that since this treaty was laid upon the table of the Senate the discussion which its provisions have evoked has raised the standard of senatorial eloquence and senatorial statesmanship to a plane higher than ever before attained in its history. [Applause.] I can quote speeches delivered by men who sit around me that can not be paralleled by any delivered in the Senate since its organization, and I do not except even that much-lauded reply of Daniel Webster to Senator Hayne, of South Carolina. When we realize the wealth of information those speeches disclose, the high spirit of patriotic devotion they attest, the stern resolution in the teeth of misrepresentations, as ingenious as they are reckless, to maintain the integrity of our institutions, which they establish, nothing in the past history of

Congress compares with them. But even if the Senate were indifferent or inefficient there would remain the unerring judgment, the infallible wisdom, the sensitive conscience of the American people. America has accomplished the greatest things ever achieved in the history of mankind, things which have been so universally recognized as of transcendent value to civilization that even if they could be changed no human being would venture to disturb them. If anybody had the power to disturb them and should attempt it, the whole conscience of Christendom would rally to preserve them as priceless possessions of the whole human family. Yet these great achievements were attained not through politicians or statesmen, but largely in spite of them. The people have always done better than the politicians or statesmen had advised.

This war which we can all now see was absolutely essential to preservation of our civilization was not a distinctive policy of the President who conducted it. He went into a campaign and sought reelection—with perfect sincerity as I believe—upon a proposition that he had kept us out of war. He could not have intended to advise a declaration of war when he called the extra session, because he did that only after failure of a measure recommended by him which did not look toward war but merely to the arming of merchant ships. It was essentially the war of the American people not of the American President.

The War with Spain was forced upon a reluctant Executive, as I think the chairman of this committee will admit, close as he was to the administration of the very distinguished President who caused its declaration. And the reconstruction of the Southern States after the Civil War was not what anybody had suggested. It is now clear that if either party had had its way the country would not yet have recovered from its ravages. I remember when Mr. Tilden was—as I believed at the time and have not wholly changed my opinion—cheated out of the office to which he had been elected, I thought it was the end of this Government. I thought that the South must remain indefinitely under the cruel heel of oppression, with rival governments in three different States, and that all possibility of reconstruction on the basis of reconciliation had faded away into limitless distance. Looking back now, I can see that it was the providence of God that put the task of withdrawing the Federal troops from South Carolina, Louisiana, and Florida into the hands of a Republican President, thus making it a common policy of the whole country, which Democrats were delighted to welcome and which Republicans were not in a position to criticize.

The War of 1812 was forced on President Madison. Senator Knox, who has undoubtedly studied closely the archives of the State Department, knows that the purchase of Louisiana as we understand it was never contemplated by Thomas Jefferson. He sought only to acquire the Island of Orleans. The purchase of the great territory north of the present boundary of Louisiana was forced on him. It was accepted as a necessary condition by his supporters, and urged as a reason for rejecting the whole treaty by others, on the ground that these desert wilds could never be of any value to us. But the people builded wiser than the statesmen of those years.

And now, when the greatest emergency that has ever confronted the country is upon us, I believe that the people's conscience, the

people's judgment, and the people's wisdom, will reinforce the determination of these Senators who have already checked, and who I believe will succeed in defeating, the attempt by this treaty to betray the causes and purposes for which the war was fought. I do not charge deliberate treason against anyone, but I do say that betrayal of the causes for which this war was fought and won will be the net result, if the purposes of those who negotiated this treaty shall be accomplished. We are told that even an amendment of this treaty will lead to its rejection. Well, what of that? Suppose it is defeated, could we conceive anything more auspicious? The league of nations which it undertakes to establish is imperfect by the concession of everybody.

The Shantung provision is an abomination. Yet we are told that we must yield to that abomination and make ourselves parties to it. My God, Mr. Chairman, when did it come to pass that the word "must" can be addressed to the American Nation? [Applause.] When this Nation consisted of little more than a few villages straggling along the Atlantic coast, the suggestion was made that forbearance of the greatest military power in the world at that time could be secured by a substantial advance of money. The answer was given without an instant's hesitation: "Millions for defense; not one cent for tribute." [Applause.]

And, sir, are we now to pay not a tribute of money but a tribute of infamy, by the confession of everybody, in order to establish a league which has not and can not operate for peace, but in the very nature of things, as has been conclusively shown by Mr. Knox and other Senators, must operate to make war frequent, if not perpetual? Is there in that treaty one single word of which any American should be proud? Does it liberate a single people who seek emancipation, except as an act of vengeance against the countries that were overthrown? Does it hold out a word of hope to nations that are languishing in chains and determined to break them? Far from that, it creates new spoliations and makes us a party to them. Without our participation they could not become effective. [Applause.]

But we are told that we can ratify this treaty and pass a resolution declaring that we don't like these infamies at the very time that we are perpetrating them. Now I can have some respect, at least I can understand the attitude of a man who perpetrates an infamy because he wants to, but I have no patience with a man who after making himself a party to an infamy seeks to excuse himself by saying that he dislikes it. [Applause.] One man is formidable to justice, the other is contemptible in every sense. But thank God the Government of the United States is not going to be contemptible. [Applause.]

Now, in all this, I do not intend the slightest reflection on the President of the United States. I think I ought to say that. [Laughter.] No, no; Senators, let me say this to you: I think the place of the President in history is a high one, and I think it is secure. I think it is so secure that it can not be overthrown by anything except ratification of this treaty, and against that the Senate is, I think, immovable. His definition of the cause which led us into this war has become one of the priceless possessions of humanity. The 14 points are not dead. They are alive; they are here. [Applause.]

We are appealing to them now, and the appeal will not be in vain. They can never die.

I was one of those who sincerely deplored his going abroad. I did not believe then, and I do not believe now, that the President of the United States is ever justified in placing his person under the jurisdiction, or in the power of a foreign Government, especially when he is engaged in a negotiation affecting the sovereignty of the United States. While his person is under foreign jurisdiction he can be coerced in many ways. I think he was coerced in one way which proved effective, and that was by threatening him covertly or openly with some manifestation of disapproval or by withholding from him the applause which they gave him in overflowing measure when he first appeared on the European continent. It is impossible otherwise to account for his acceptance of provisions in this treaty which he himself declares to be objectionable. But I want to say this: The world which heard the words he uttered when uring Congress to declare war became that moment a different world from what it had ever been before. I wrote Mr. Tumulty at that time, and I felt deeply in my soul that this address of the President would pass into history as the most momentous utterance that ever fell from human lips since Pope Eurban II preached the First Crusade at Clermont-Ferrand, over 800 years ago. When he said this war was waged to make the world safe for democracy, and men shed their blood to make his declaration effective, it became impossible for the earth which received that libation, ever again to tolerate, in Ireland or anywhere else in the world, conditions those heroes died to overthrow. [Applause.]

After speaking these words it became as impossible for the President to come back and set up such a machinery of force to dominate the world, as is embodied in this treaty, as it would have been for Godfrey, of Bouillon, or any other leader of the Crusades to establish Mohammedanism in his own dominion after his return from attempting to overthrow it in the Holy Land. Even though the President has himself forsaken the 14 points, the principle embodied in them remains to render the dominion of brute force impossible anywhere within the limits of civilization.

How the reign of brute force will be abolished in Ireland I can not tell at this moment any more than anyone at the close of our Civil War could have foretold the splendidly successful reconstruction of the Southern States that followed it. I am sure the chairman of this committee will recall that the leaders of the dominant party at that time, men like Charles Sumner and Thaddeus M. Stevens and Oliver P. Morton, patriots of the highest type, believed it would be necessary to take the most drastic precautions against a renewal of secession. On the other hand, the leaders of the Democratic Party in the South believed that they were entitled at once to unconditional restoration of their government and freedom to reestablish their social and economic life as they pleased. A golden mean was struck between the two. Their governments were given back to the southern people when it became clear that there would be no attempt to restore slavery or to fasten the Confederate debt on any part of this country. And then those States which had been ravaged as no other land had been ravaged before, whose industrial system had been sub-

verted, whose cities had been burned, whose fields had been devastated, where the last dollar of capital had been expended, rose from the ashes of defeat almost in a night and marched forward to a prosperity greater than that which has blessed any other part of this country.

So I firmly believe that out of all this discussion, contention, and confusion of views, the thing will emerge which the world needs. And that is disarmament. When disarmament becomes universal, then peace will be firmly established, for the very simple reason that when all nations are disarmed there will not be any means with which any of them can fight against another. Let us, then, insist that the outcome of this war shall be disarmament of all nations. We have the power to enforce this policy and we need not lift a finger to do it. As Senator Knox pointed out yesterday, the whole world is bankrupt. Many nations are still intent on maintaining great armaments, but they can not support them unless we give them the means. It is certainly impossible for any of them to reorganize its industry and at the same time maintain a great military establishment. The hope of each one is that we will advance it the capital essential to its industrial reorganization, and then it will use its own resources to maintain a great armament on land and sea.

I do not believe any American would object to aid the restoration of stricken Europe, but I do think it is our paramount duty to insist that before we extend the benefit of our resources to any other country all its own resources be devoted to restoring its industry. We should not aid it while it diverted one penny of its own possessions to military enterprises. To force universal disarmament, therefore, it is only necessary that this country resume the rôle which it has played since its organization.

For the first time in the history of the world a great war has ended, leaving one power able to maintain the greatest armaments on land and sea and that power does not want to establish them. That power possesses the resources to resuscitate society, and it does not want to exercise the power thus given it for any other purpose than to benefit the whole human family. And now, while we are ready to expend our treasure for the welfare of all the world, what is it that by this treaty we are asked to do? As Senator Knox well said yesterday, we are asked to use our resources for regeneration of the world, not according to our own idea of what would be most effective, but by submitting our judgment to that of other nations whose policies have led them to the pass out of which they are crying to us for deliverance. Now, if there be in all this world any force, country, Government, or political system better qualified than America to employ enormous resources for the benefit of mankind by enforcing justice I am ready, for my part, to see our resources turned over to that superior agency. But where is it? Where can it be found? Where is there in the universe any force comparable to the United States as an agency to use unlimited resources for the improvement of human conditions? Such a power or force can not be found. It does not exist. And yet we are asked to subordinate our control over our own resources to the judgment of nations which I think nobody here will dispute are inferior to us in intelligence and in love of justice. We are asked to give up the greater for the less, to abase

ourselves from the lofty position to which Providence has assigned us and deliberately sink to a lower level. But it is said that if we maintain control over our own destiny we are in danger of isolation.

Well, Mr. Chairman our isolation was decreed by Almighty God when he gave us the first place in civilization. Eminence is always isolation. But the eminence which we have always enjoyed is not an isolation which we want selfishly to retain. No; no; no; America invites all the world to end that isolation by coming up and sharing the eminence which she has occupied since the organization of this Republic. [Applause.] From the spirit that has been displayed in this gathering here to-day, I have unbounded confidence that this country will not terminate that eminence by coming down from it and abasing itself to the prejudices and hostilities and cupidities of those European powers that have plunged the world into the welter of blood from which we have just delivered them, and from whose consequences we now hope to shield them.

Senator Knox has stated, much better than I can state it, the true policy we should pursue. When disarmament is secured the nations can not fight. And then an unarmed world will naturally and inevitably produce a league of nations to adjust disputes. While unarmed nations can not fight without at least three years' preparation there will be disputes as long as there are human beings on the earth. Now, there are but two things that men or nations can do when they engage in disputes; they can either fight about them or they can talk about them. If they have not the means to fight then there is nothing left for them to do but talk about them. And when by disarmament they are placed in a position where all they can do is to talk, they will inevitably take measures to make that talk effective, which means they will establish tribunals or bodies of some description before which these disputes can be adjusted, if they are capable of adjustment. Leagues of nations can not produce peace. But peace can and will produce a league of nations—a true league of nations—a league capable of meeting the requirements of civilization. And with all the world disarmed no nation can be held in subjection against the will of its inhabitants to another. Ireland will be free and every nation now denied the blessings of liberty will obtain them. That, Mr. Chairman, I believe will be the outcome of this situation. It may not come immediately. But come it must and come it will. Anything else spells not merely danger but ruin to civilization. Mr. Chairman, these are the conclusions which I submit respectfully but most hopefully to this committee. Peace—not merely cessation of war, but cessation of preparations for war—is absolutely essential to human existence under the conditions which now govern the world.

Peace must be established in Ireland before it can be made permanent throughout the world. Peace can not be established in Ireland by England. Eight centuries of history prove that. The Irish people who have resisted foreign domination for nine centuries will not submit to it, even though an attempt to force it upon them were made by a thousand leagues of nations. The league of nations here proposed is an abomination, an attempt to use the conscience of Christendom to sanction and perpetuate wrongs which morality and justice condemn. But although judgment and good sense may have departed from quarters where we have a right to expect that they

would be found, yet we feel profoundly confident that here in this body the wisdom of the fathers will be vindicated by such a display of patriotism, such an exercise of vigilance, as will insure to this people the rights to which they were born, the rights which some of us who came here from other lands have acquired through the operation of our constitutional system; and by maintaining this constitution intact, you Senators will become the effective instruments ordained by Providence to keep trimmed and shining before the eyes of all men the lamp which will guide their footsteps, to freedom, to justice, and to unending prosperity.

Judge COHALAN. Gentlemen of the committee, we thank you on behalf of those who have come here, and on behalf of those who have had the opportunity of addressing you.

BRIEF OF PROTEST.

(The brief of protest heretofore referred to, filed in opposition to the arguments submitted at the morning session, is as follows:)

The FOREIGN RELATIONS COMMITTEE,
Senate of the United States.

GENTLEMEN OF THE COMMITTEE: We beg to present a formal protest to the attempt of representatives of a faction in Ireland, known as the Sinn Fein party, or of kindred organizations favoring this movement in the United States, to have the so-called Irish question thrust into the discussion in the Senate of the peace treaty and the league of nations.

In presenting our brief of protest we do so as American citizens of Irish birth, and not as agents of a foreign government, nor as local political factionists with an ax to grind. We are just plain, hard-working American citizens, engaged in various commercial and professional callings, prompted by a legitimate sentiment for the land of our birth and by a whole-hearted devotion to the land of our adoption.

We are not here, sirs, to argue either for or against the peace treaty and the league of nations, but we are here through your gracious courtesy to declare ourselves opposed to the thrusting of a foreign political issue into the discussion of that great subject.

Our opposition, gentlemen, is based on the following arguments:

I. THE ARGUMENT OF RIGHT.

The league of nations is a proposal to unite the forces of the allies who fought during the late war to preserve the future peace of the world. This faction in Ireland has no right to be considered in the discussion, for they failed to support the allies in that war and failed to do their part in the struggle. We present two simple statements in our argument:

A. They failed to support by sentiment. Their propaganda during the war period was hurtful to the allied cause.

B. They failed to support by deed. They gave and comfort to the foe by creating strife and turmoil at home. The British Government, in order to quiet this faction could not and did not enforce conscription in Ireland. Granted they had a real cause to present at the bar of American judgment, they have no more right to be heard at this time, when they failed to support the allied cause, than the foe has to be heard at this juncture.

II. THE ARGUMENT OF FACT.

It is stated by this element that Ireland has not self-government and is therefore entitled to be heard. We are prepared to testify by actual experience that Ireland has self-government on the following basis:

A. Ireland has the franchise—franchise in local as well as national government.

B. Ireland has representative government. It has representatives of the people, by the people, and for the people.

C. Laws are made by the Parliament in the same manner as for England, Scotland, or Wales—the procedure is the same in each case.

It is further stated by this element that Ireland is suppressed by Britain. We reply:

First. It is not suppressed religiously. Freedom of worship is granted to all, and is enjoyed by all.

Second. It is not suppressed industrially. Ireland possesses some of the largest plants in various industries to be found in the world, for example, shipbuilding, linen, tobacco, rope, collar and shirt, distilling, etc. The lace industry of Ireland is proverbial. Ireland is enjoying prosperity now to a vast degree.

III. THE ARGUMENT OF HISTORY.

The claim is made that Ireland was and should be a nation. This claim is false and the assumption is without historical grounds. Ireland neither during the Druidic nor the Christian periods has been one whole, undivided nation. The four provinces represent the smallest areas of nationhood. Historically, Ireland has had many kings and rulers at the one time, but never one king or supreme chief. Only under British rule has Ireland ever approached unity in these historic divisions. The present political divisions in Ireland are religious and not racial.

IV. THE ARGUMENT OF PRINCIPLE.

We are opposed, gentlemen, to the Irish question being thrust into American politics for the following reasons:

A. It raises a racial question. American citizenship is built not on foreign nationality but by adoption of the principles of the Constitution of the United States of America. The United States exists not for the foreignizing of America, but Americanizing the foreigner who seeks to live in our land. Whatever arouses racial feeling in America is dangerous to our national consciousness. We are opposed to hyphenated Americanism.

B. It raises a religious question. This is foreign to the principles of American national life. The propaganda of this element is such as to arouse sectarian animosity, denominational bigotry, and injects religious controversy into American politics. We are opposed to the religious hyphenate as well as the racial, whether it be Jewish, Roman Catholic, Protestant, Christian Science, or otherwise. The Irish question at home is a matter largely of religious association, and this is its tendency abroad.

In conclusion, sirs, we feel tht the Irish question should not have official recognition at this time, when in the interests of the democracy of the world there should be fostered a friendly feeling between the two great English-speaking democracies of the United States of America and the British Empire.

We desire to thank you in behalf of those who think and feel as we do on this question, not only of Irish birth, but also as direct American citizens, as well as an appreciation of ourselves personally for your courteous treatment and patient hearing. With absolute confidence we leave the matter in your care.

DAVID D. IRVINE,
HENRY STEWART,
JOHN KENNEDY,
LT. LEWIS H. SHAW,
ALBERT E. KELLY,
WILLIAM H. CHINNY,
WILLIAM BALFOUR.

(The following documents, numbered from 1 to 25, are printed as a part of the hearing by direction of the committee:)

No. 1.

STATEMENT OF REV. JAMES GRATTAN MYTHEN, ASSISTANT MINISTER CHRIST CHURCH, NORFOLK, VA., AS MADE TO THE FOREIGN RELATIONS COMMITTEE SATURDAY, AUGUST 30, 1919.

Mr. Chairman and gentlemen of the committee, your committee has served notice that only American citizens shall appear before you in relation to the

matters which you are discussing, and it is, therefore, my privilege to appeal to you primarily and, in fact, solely as an American citizen on the question to which you have given a hearing to-day, namely, the freedom of the Irish people in their motherland.

As you note, I am a clergyman of the Protestant Episcopal Church, and as a follower of the Nazarene my training has taught me to be a pacifist. I could in no other way in conscience follow the Prince of Peace, however, when in holy week the President of the United States in an appeal made to the American people through his address to the Houses of Congress assembled in joint session, promulgated what to me seemed the most forceful Christian utterance since the days of Apostolic inspiration, whatever difficulties had previously been made manifest from the Christian ethical standpoint in regard to war were swept away. As a man, as an American, then Mr. Wilson convinced me as a Christian, it was my absolute and bounden duty to support the great crusade of which he seemed to be the modern Peter the Hermit.

On Easter Day I preached a sermon in favor of the war, and when the young men of my parish enlisted I felt that I, being unattached, economically responsible for no one, that it was unbecoming of me to be content merely to stand in the pulpit and urge other men to give their lives for the principles which I considered worthy of life giving. And so, with countless numbers of young men of the Nation I enlisted voluntarily, although I was exempt from the draft on account of my clerical profession, and also since I was beyond the draft age. I was content to serve in the ranks in the humblest capacity, feeling that the menial tasks which fell to my lot were noble because even in their small way they were aiding in achieving the high purport of the sacred mission to which our country had committed itself.

It was not at Belgium appealed to me so tremendously; I could sympathize with Belgium because I am of Irish extraction; but it was the statements of our President that the crusade which he had inaugurated meant enfranchisement of the world; that all peoples everywhere were to determine for themselves the sovereignty under which they might desire to live. When he specifically told us that it was not against the German people, but against the imperial autocracy of Germany that we were to fight, I understood him as a clear, logical and consequential thinker, and I knew that he did not mean alone the new-born imperialism of Germany, but also the age-long imperialisms of which no student of history could possibly be ignorant, especially the author of "The New Freedom."

From the textbooks of Mr. Wilson I had learned much, and so I gladly followed him in the war in which we were to exemplify by the force of militant argument the principles which he had enunciated.

During my career in the Navy I was charged with helping along the work of morale. I addressed countless numbers of enlisted men; I wish to tell you that on one occasion I preached in St. Johns' Church, Hampton, Va., to a congregation composed almost entirely of men in uniform. I had to say in defense of the President, because he was then being attacked, that he did mean all that he had said, and that imperialism everywhere was to go. I distinctly mentioned Ireland, India, and Egypt in my sermon. A member of the President's wartime Cabinet was an auditor, and he sent for me—I mean Dr. Garfield, the Fuel Administrator—and he told me that I had echoed the thoughts of the President. I was glad to hear him say that because in my sermon on that day I had said that if the thing that I was preaching were not true, I would gladly be taken out and put up against a wall and shot, because the uniform I was wearing under my priestly vestments would be a disgrace to the world.

Now, gentlemen of this committee, if a treaty of peace, so-called, is ratified by you as the coordinate treaty-making power, and the so-called league of nations receives your sanction, I shall feel, first of all, as an American citizen, secondly as a minister of the gospel, and, thirdly, as an enlisted man in the Navy, that I have been betrayed not only by the executive power who led us to a victorious war and brought us to defeat in peace, but also betrayed by your honorable committee.

However, I do not fear such results. The principles enunciated in the fourteen points are more than Mr. Wilson's theories. He wrote them first in black and white and we read them, but since that time they have been written in red by my comrades, your sons, and your brothers in the fields of France, and though Mr. Wilson may wish to erase the things he wrote, he can not erase

the indorsement of his principles which has been written in blood by the men who fell in Flanders and France.

The Irish issue might well be called the acid test of our international honesty. It is an acid which, if properly neutralized will work well for the common weal, but if left in sullen despair will, without doubt, ally itself with every agency which makes for discontent and through which it may find a voice. Is it the will of this honorable committee to throw the twenty millions of our people into the already too large accumulation in the discard of discontent?

It is not necessary for me to attempt to convince your honorable body that there is no question of religion in the Irish situation as it is. The roster of Irish Protestants who might well be called the Protestant saints of Catholic Ireland answers that question for me; Grattan, Wolfe, Tono, Lord Edward Fizgerald, John Mitchel—grandfather of the late Mayor of New York City—Francis McKinley, hanged and quartered uncle of the late President of the United States; Robert Emmet, and Parnell. These Protestant leaders of Catholic Ireland need no apologists.

There is a religious question, however, which is international in scope when, for instance, from the interior of India, mercenary Gurkhas are imported to police Ireland. Those Gurkhas made themselves known in France when, stripped to nothing but a gee-string, with oiled bodies, with a knife in either hand and another in their mouths, disdaining the use of modern weapons, they leaped like tigers at the foe. This, gentlemen, is England's contribution from India to Ireland. And from Ireland the equally mercenary Sir Michael O'Dwyer, a man whom all Irishmen repudiate, was sent to rule over the Punjab, and whose rule has been exemplified in these last few months by suppressing particular demonstrations of unarmed Indians by the use of machine guns and bombs from the airplanes, killing thereby in cold blood hundreds of innocent men, women and children.

These are the ways of English imperialism which maufacture religious animosities where none exist in reality. Thus, gentlemen, does England attempt to keep her belligerent subjects from realizing the unity of purpose which they should have in common in the destruction of her perfidious empire. She tries to make the Irish hate the Indians and make the Indians hate the Irish. So has she done in Ireland. She has created a fictitious animosity between Protestant and Catholic which exists only as political propaganda. She claims through Sir Edward Carson that the Protestant religion requires for its preservation the maintenance of British rule in Ireland. As a Protestant, sir, and a clergyman of the Protestant religion, I resent the implication that Protestantism requires the sustenance of British imperialism to maintain itself in Ireland or elsewhere. Were I convinced that this were a fact, that only through the power of British arms could my religion maintain itself in Ireland, then I would repudiate my religion at once. So, it is quite true that in this country we have heard the British propaganda that there is a religious difficulty in Ireland.

I want to say to you, sir, and gentlemen, that as a Protestant Irishman, whose family to-day in Ireland are representatives of the Protestant religion, that we would all gladly have Ireland free under any religious leadership rather than remain, as we are, the only white race still in slavery.

No. 2.

STATEMENT BY FORMER CONGRESSMAN JOSEPH F. O'CONNELL, REPRESENTING A DELEGATION OF THE BENCH AND BAR OF MASSACHUSETTS BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS.

AUGUST 30, 1919.

MR. CHAIRMAN: I have been authorized on behalf of the delegation of 25 lawyers sent here to-day by the bench and bar of Massachusetts to register our protest against the ratification of the peace treaty now under consideration in its present form, and to say to you that the proposed league of nations is in our judgment un-American, illegal, and contrary to the ideals of the American Republic.

It was my great honor and distinction to sit as a member of Congress for four years in the great Chamber at the other end of the Capitol, and every

time that I have viewed it in person or print my mind has traveled back to its beginning and history.

Sometimes, Senators, I am inclined to believe we forget the history of this very building in which you will assemble in deliberation on this treaty. Can you forget that in 1814 British troops marched from Annapolis on their errand of destruction and captured Washington, at that time an unfortified city! I will not detain you to narrate all the violations of so-called civilized warfare that were committed by the British officers and troops in that campaign, but I do make bold to recall to your attention the infamous conduct and unforgetable incident committed by the British troops in destroying the seat of our Government, because it carries with it the evil omen of what it will do again if it ever secures the chance.

The story of the exploit of Admiral Cockburn should be burned into the memory of this committee and every member of the Senate. Let me refresh your minds on a few of the details. After capturing the city, Cockburn marched with his soldiers into the Capitol building and, assembling them in the House Chamber, addressed them as follows, as we are told by English and American historians:

"We have met to-day in the building dedicated to the liberties of the American people—all in favor of burning this building to the ground, will say 'Aye'."

The vote was unanimous, and the orders were given "Burn it." And the original home of our Government, the emblem of our liberty and the original house of our Government in this city was destroyed by the ruthless devastating torch of the British soldier.

Let me warn you who are inclined to trust England that the same spirit of contempt for the American Republic still persists in the same quarters that inspired the orders to destroy our Capitol. If England ever secures the power of dominating American ideals, such as is contemplated in the proposed league of nations, is there any of you who can guarantee to the American people that England would again not do the same, if not worse, than Cockburn did in 1814?

This incident of American history is not recalled to you in any spirit of hatred against England, but only from the prudence of my American citizenship that can not still the fear that we will be taking a grave chance in entering into this proposed entangling alliance with monarchical powers, and as a lawyer representing a group of practicing lawyers I counsel and advise against taking any chances with our historical and traditional enemy. A small leak can lead to the destruction of the mightiest dam and your care should be to prevent anything that might lead to a leak of American and republican principles for if the dam that has been built to protect the American people and the principles of liberty ever gives way the best minds of the world must agree that no man can foretell the awful destruction that will follow.

The President may cling to his ideals, but as an American lawyer and on behalf of this delegation of lawyers from New England we deliberately assert that the President has no right to entertain in his official capacity ideals that interfere or modify or control in the slightest degree the accepted and established ideals of American liberty as laid down in our Declaration of Independence and National Constitution. We in this delegation represent the traditions and teachings of James Otis, Samuel and John Adams, and Daniel Webster, and we fervidly and earnestly appeal to you, most of whom are lawyers, in their name not to forget the basic reasons that brought about the establishment of the United States of America as a Republic separate and distinct from all other races and governments.

We urge that if the principles of a republican form of government were sufficient to justify the establishment of the American Republic in 1776 they are just as sound in 1919 to justify the establishment of an Irish republic in Ireland. This Republic was established on the doctrine of majority rule and all authorities agree that over 80 per cent of the Irish people have followed the course of the American Republic and have established for themselves an Irish republic, and hence we respectfully urge, that, having expressed to the Irish people the sympathy of the American people on the efforts of the Irish people to secure independence by a vote of 60 to 1, the consistent and proper thing to do now is to officially recognize Ireland as a republic. You have heard to-day from the lips of eminent Americans who have been in Ireland enough to justify you in acting immediately and stating to the world that you are satisfied that the Irish people have legally established themselves as a republic.

So much has been called to your attention to-day on this very important matter that I will not tire you by recurring to any of the various points dwelt upon by those who have already addressed you. But it does seem pertinent to lead your thoughts to that old bogey and masterpiece of British propaganda, the Ulster question, and, at the risk of taxing your patience, I ask your indulgence to read an authoritative statement from Ernest A. Boyd, one of the leading Protestant Irishmen of these days and an official of the British consular service: Ulster is a purely geographical term which describes the northern Province of Ireland containing the nine counties of Donegal, Cavan, Monaghan, Tyrone, Armagh, Fermanagh, Down, Antrim, and Derry.

This region is intimately and gloriously associated with the greatest traditions, literary and historical, of the Irish nation from the earliest time, when it was the scene of the epic masterpiece of Celtic literature, down to the eve of the union, when Wolfe Tone conceived his dream of the United Irishmen in Belfast, and Grattan founded at Dunegannon the volunteers of prophetic significance. Evidently this Irish Ulster is not the "Ulster" which has called forth the rebellious enthusiasm of Sir Edward Carson and his English friends. The one is a national, the other a political phenomenon; yet, strange to say, owing to the absence of inverted commas, it is on behalf of the political "Ulster" that a plea for self-determination is often raised by those who argue that she can not deny to Ulster the right which she claims for herself. In other words, the demand of the Irish people for self-government presents itself as indistinguishable from the claim of "Ulster" to revolt against the laws of national and political unity. If the principle of national be the test to the right of self-determination, then it is important to distinguish between Ulster and "Ulster." The history of the Plantation of Ulster need not be recapitulated to-day. The facts are historical, and, whatever else may be said of them, they are hardly the best foundation to a claim to special consideration at the expense of the native population of the country upon which the settlers were thrust.

The present obstacles in the way of any acceptance of the theory that Ulster is a homogeneous entity are sufficient to dispense with a return to ancient history in the manner of which we Irish are accused of being over fond. In 1911 the total population of our northern Province was 1,581,696, of which 690,816 were Catholic Nationalists. Politically, this division was emphasized by the return of 17 Nationalists as against 16 Unionist members of Parliament. Even since the last election, when a redistribution of seats and the split of the Nationlist vote between Nationalists and Sinn Feiners affected these figures to the advantage of the Unionist, there is still a majority in Ulster united with the majority elsewhere in Ireland so far as the demand for an Irish Parliament is concerned. Ulster is neither Unionist nor Protestant. Three counties, Donegal, Canan, and Monoghan, are almost wholly Catholic. Catholics and Protestants are about equally divided in Armagh, Tyrone, and Fermanagh; and it is only in the three counties of Down, Antrim, and Derry that there is a strong Protestant Unionist majority. Even there Belfast has returned one Nationalist member representing the Home Rule Catholic minority. If the four counties known as Northeast Ulster are grouped together for electoral purposes, it is found that 5 Nationalists are elected as against 14 Unionists. The remaining five counties returned 12 Nationalists and only 2 Unionists. Clearly, it is impossible to consider Ulster as a political and religious unity. If the right of Ireland to self-determination be granted, not only will a minority of the whole country be coerced, but a minority in Ulster itself.

To do Ulster justice, those interested have rarely dared to base their demand for separate treatment on the ground of a majority right to self-determination. Carsonia is frankly antidemocratic and particularist, demanding specal concessions for a majority on the sole ground of local advantage, and without any thought for the rights of the majority in Ulster or for the remaining Provinces of Ireland. It is alleged that Ulster has prospered since the union, that it is passionately devoted to England—not the Empire, for colonial home rule is abhorrent—that its interests are opposed to those of the rest of Ireland, and that these would suffer at the hands of a legislature representing an agricultural community and dominated by Catholicism. The very arguments cited in favor of Ulster are a proof of the particularism and purely local selfishness of their champions. So far as the prosperity of Ulster is concerned it is limited to a few industries in a restricted area.

The Province shows the second highest total of emigration for all Ireland between 1851 and 1911—namely, 1,236,872—and between 1841 and 1911 the

population of Ulster had declined by 805,177 persons. Three Ulster counties are on the list of Irish counties with the greatest number of emigrants, and two of them are in the superprosperous, supercontented "northeast corner"—namely, Antrim, with 297,605, and Down, with 162,571. And as showing that this decline of man power is not a heritage of papal superstition, these figures are higher than those of the third county, Tyrone, whose emigrants over the same period numbered 149,243.

As for the pretense that a poverty stricken agricultural population would victimize the "prosperous" industrial minority, it is worth noting that the taxable revenue per head is lower in Ulster than in Leinster, being £3 9s. 8d. in the former, £4 8s. 9d. in the latter, and that congested districts, with all the misery the words can note, are found in Ulster no less than in Connaught. On per capita valuation the highest northern country ranks only twelfth in Ireland. In fact, what Ulster fears even more than it fears democratic government is democratic taxation. Its claim to self-determination is a claim for capitalist determination alike for Ireland and Ulster.

Every Irishman knows how profound is the indifference of Ulster to English interests or English sentiment whenever these threatened to clash with the interests of Carsonism. The professions of undying affection for England no more corresponds to individual sentiment than do the boastings of economic independence to individual interests. Should northeast Ulster become Carsonshire under separate English administration, nobody would be more seriously disturbed than the Ulster bankers and the thousand and one business men who do not own the few favored industries independent of Irish support. In other words, these purely selfish manifestations of loyalty to England and independence of Ireland made possible only by exploiting popular religious bigotry do not represent real political and social conditions. They are as remote from the facts of Ulster's life as are the panic fears of Catholicism which haunt the imagination of the Protestants where they are a dominating majority, but are proved groundless by their absence in the scattered Protestant minorities outside of northeast Ulster.

"Ulster" is not, as has been shown, a geographical entity; it is certainly not a national organism; it is not even homogeneous in religion and politics. It is an integral part of the Province whose name it usurps, and its separatism flourishes solely because a small portion of the community, led by strangers, has not been exposed to the process of incorporation into the national and economic being, such as has everywhere resulted in political unity. We do not anticipate civil war, which has in most cases preceded the welding together of similarly divided communities, for we hold that the work of absorption will be painlessly effected by economic pressure. At the worst, a trial of strength in war, as between the Federal and Confederate States of North America, would lead to the definite establishment of a dominant majority. It is immaterial which side should win, provided one were irrevocably defeated. The consequences of an Irish civil war could not mean one-quarter of the misery, waste, and disruption which a continuance of this unsettled problem has brought upon Ireland. Fortunately, however, there are not even two parties of extremists who believe in the probability of civil war, and one set of extremists in a nation of essentially moderate and well-disposed people will have some difficulty in making Ireland follow the example of other countries faced with the same problem.

Irishmen plead that as the word "Ulster" is misused in this connection, so is the word "coercion." The coercion in question is the same as that to which all minorities have submitted. It does not stand for the forcible oppression of an independent people by an alien government, for, whatever their political origin, Ulstermen are self-confessedly and aggressively Irish. They are asked to rid themselves of their hallucinations fostered by those who exploit them brazenly. It is a peculiar fact that the people of "Ulster" have never yet been allowed to speak for themselves. The Catholic peasantry became articulate in the person of Michael Davitt, the Catholic worker in James Connolly, both notable spokesmen of the ideals of democracy, it is interesting to state. Orangeism relies upon lawyers and capitalists for the expression of its views, and these representatives have a consistent record of opposition to every progressive measure passed by the House of Commons and to every progressive idea which has captured the Irish peoeple. To witness the savage carnivals, the "annual brain storm," as it has been termed, in which "Ulster" renews its barbarous hatred of the phantoms which blind the people to real issues, is to understand the imperative necessity of liberating the victims They can be

freed not by special recognition of their primitive tribalism, but by sharing the common duties and privileges of Irish self-government.

Senators, if there be a free Ireland, there will be a free "Ulster."

No. 3.

STATEMENT BY JAMES E. DEERY, INDIANAPOLIS, NATIONAL PRESIDENT OF THE ANCIENT ORDER OF HIBERNIANS IN AMERICA.

To the FOREIGN RELATIONS COMMITTEE, UNITED STATES SENATE:

The Ancient Order of Hibernians, at their recent national convention held in San Francisco, Calif., last month, adopted a resolution insisting that in the event that a league of nations covenant was adopted that provision be made therein for the recognition of Ireland as a member thereof. The Hibernians feel that every nation in the world, and particularly America, was inspired to victory in the recent war by the thought that when the terms of peace were drawn up the world would be made safe for democracy and that all small nations would be given the right to determine the form of government under which they desired to live. The Hibernians are interested in this question now before the Senate committee solely as American citizens and lovers of liberty. The Hibernians are proud of the record for 100 per cent Americanism made by the Irish in this country from the days of the revolution to the present time.

When America was looking for outside help, prior to the War of the Revolution, they sent Benjamin Franklin to Europe, and in no country did he receive more encouragement and support in behalf of the America cause than from Ireland. They not only held meetings throughout Ireland but they raised funds with which to help finance the colonies.

Recently the President of the United States, in asking the United States Senate to ratify a treaty with France regarding her boundaries, urged that we were but repaying our debt of the revolution. History records the fact that the first troops in France to petition permission to come to the assistance of America in the days of the revolution were the members of the Irish Brigade, a part of the French Army, and the first French troops to land on our shores were 2,300 Irishmen under Count Dillion. Likewise, exiles from Ireland found their way to America and fought throughout the war in the continental forces. It is estimated that 50 per cent of Washington's Army was made up of Irishmen. In an investigation made by the English Parliament at the time of the revolution it was shown that in some parts of the American Army the Gaelic language was spoken more than the English. So that if we have any debts to pay for assistance rendered us in the war of the revolution Ireland's claim should come first.

As the league of nations now stands we feel that article 10 prevents America repaying her debt to Ireland. The Hibernians sincerely trust that before the terms of peace are ratified by the United States Senate that the Senate will officially recognize the republic of Ireland as a free and independent nation.

No. 4.

STATEMENT OF REV. F. X. MCCABE, C. M., LL. D., PRESIDENT DEPAUL UNIVERSITY, CHICAGO, ILL.

I would like to present before your honorable body this short statement. The war was fought, according to the pledges made to the people of this country by the President of the United States, to put an end to all autocratic forms of government, and thus make the world safe for democracy; to liberate the nations held in bondage by stronger powers and give them the opportunity of selecting their own form of government. On the strength of these pledges American men fought and died, and their sacrifices and valor won the war. The time for making good the pledges has come. As American citizens we have done our part and more than our part. We have a right to demand that the pledges made be kept and can not tolerate post-armistice interpretations made by the Chief Executive for the purpose of evading the fulfillment of those pledges. We can not as American citizens tolerate a league of nations that impairs the sovereignty of these United States. We believe that your committee will stand firm and save our country from the

catastrophe of being made the cats-paw in European politics. We feel that you can see that both the treaty and the league of nations make the two greatest empires of the world stronger than ever, and place our country between them to be crushed by their combined force any time they see it to their interest. The giving of Shantung to Japan and the refusal to recognize the rights of the people of Ireland are crimes against the democratic ideals of our country, branding us before the world as absolutely faithless to the men that died, to the men that fought, to the American people and to the oppressed nations of the world. In the name of justice and decency repudiate the league of nations and demand the fulfillment of America's word of honor.

No. 5.

STATEMENT OF MRS. MARY F. MCWHORTER, NATIONAL PRESIDENT LADIES' AUXILIARY, ANCIENT ORDER OF HIBERNIANS IN AMERICA.

MR. CHAIRMAN AND GENTLEMEN: When the President of the United States issued the call to American manhood to go to the battle fields of Europe to vindicate American ideals of democracy none answered the call more readily than did American boys of Irish blood.

During the time our country was engaged in winning the war the women of the organization which I represent rendered splendid service to the Nation in every line of war work. In order that the service rendered along this line might be of the very best, it was my duty to visit 33 States of the Union during that time. During these visits I addressed gatherings of the members of this organization in from two to eight towns in each one of those States. In this way I had the privilege of meeting many of the mothers of the American boys of Irish blood who were fighting in the trenches in Flanders. The sacrifices made by these mothers would wring tears from the eyes of the most hard-hearted. Many of them are widows who had worked hard to give their boys the necessary education to fill good positions. A soldier's pay was a very poor substitute for the salary these boys were earning. I know well that in many cases these widowed mothers had to go to work again in order to keep the little home intact. They never uttered a complaint, because they felt that their boys were given to a holy cause—that of freeing the enslaved peoples of the whole world, among which they surely thought were included the people of the land of their origin, Ireland. And so, as I have already said, they bore all their privations cheerfully and uncomplainingly, and, besides earning their daily bread by the sweat of their brow, they also gave splendid service to Red Cross and other war-service societies.

During the war, while every member of my organization was actively engaged in war work, you may know very little was accomplished in the way of recruiting new members, hence since the signing of the armistice a period of reconstruction has set in. This, too, has kept me constantly traveling from one State to the other. I find a great change in the spirit of our members, in which keen disappointment is the dominant note. The glowing words of our great President uttered on our entrance into the World War have no longer the power to inspire and uplift, for the people have lost all faith in them. I find this feeling of discontent not only among the American people of Irish blood, but among other Americans as well. The press of America, with but few exceptions, make it appear that the great mass of the American people favor the league of nations. Gentlemen of the committee, there is a growing spirit of opposition to this proposed league that it would be well for those who sincerely and honestly love America and who wish to safeguard America's real interests to heed. If is my honest opinion that if every American was made familiar with what this league really means to America there would arise such a storm of protest against it that it would be heard around the world. Liberty loving Americans who have a just pride in our great Nation will never stand to have this Republic made the tail of the British kite.

Speaking for the people of Ireland who have aroused the admiration of all liberty-loving people the world over by their brave fight for their national rights, I have this to say:

The contemplation of what these people are suffering to-day is the cause of great agony of mind to those of their blood on this side of the Atlantic. The sanctity of the Irish home is violated night after night. I ask you, gentlemen of the committee, to picture the condition of the minds of the mothers in Ire-

land—they never know from one night to another when their homes are to be invaded and the children of their affection dragged out and thrown into prison. Have pity on these mothers and refrain from an act that will continue this suffering indefinitely, for the Irish will never give up their fight for freedom while a remnant of the race remains.

The Irish republic was established according to the expressed sentiments of our great President "the right of self-determination for all peoples" echoed around the world at the time this now famous slogan was uttered—it even found its way into Ireland despite the wall of silence England had built around that unhappy island. The young men of Ireland were inspired with a new courage and when they had an opportunity last December at the general election they "self-determined" for an Irish republic, feeling sure they were carrying out the wishes of the President of the United States. They still have faith in our President despite unfavorable appearances.

Eamonn DeValera, the President of the Irish republic, is in our midst to make an appeal to the American peolpe. He has already won millions of Americans to his cause. He is a young man who has made untold sacrifices for the ideals which he represents. Life would be very easy and comfortable did he but chose to abandon those ideals, but he has taken up the harder but the nobler cause while his young wife and his six small children languish in Ireland and sigh for the absent husband and father. Eamonn DeValera is typical of the young men of Ireland to-day—surely to the minds of all liberty-loving Americans their cause is a just cause, and surely this is the time for America to pay her long-standing debt of gratitude to Ireland. The millions of Americans of Irish blood expect this debt to be paid and they have a right to expect it.

No. 6.

Statement submitted by District Attorney Joseph C. Pelletier, of Boston, supreme advocate of the Knights of Columbus, and speaking in behalf of the bench and bar committee of the Irish Victory Fund:

After hearing the wonderful presentation of the case against the proposed league of nations set forth in such logical, powerful, and truly American spirit, I feel the thrill of the schoolboy after first learing the story of Washington and the patriot fathers who won our independence and made possible this great Republic.

Every man of Irish blood or descent, every man from the country of oppressed peoples felt that the 14 points laid down by President Wilson justified the last sacrifice and the greatest conceivable loss. We entered the World War for humanity, for democracy, that men everywhere might be lifted from oppression and restored to their God-given right of self-determination. Which of all the subject peoples of the world so nearly fell within the limitations prescribed by our President, which of them all so clearly appealed to the American heart and head and hand as the republic of Ireland?

Always a nation, ever protesting foreign oppression, more recently adopting a free government by public vote, to-day as ever held in subjection by the armed forces of the dominant aggressor of 700 years, Ireland claims her right to recognition, her right to the fruits of this great world conflict, and the American people will not deny her rights. The league of nations as presented ignores the declaration of President Wilson, ignores the right of the subject people of Ireland, ignores the government of the republic of Ireland lawfully set up—to adopt it as written is to deny the principles upon which we entered the war and to say to subject peoples, unless the Big Four say so you shall not be recognized, you must invoke bloodshed and war to assert your rights, and we will use our joint united forces to keep you down.

Gentlemen, let there be no league based on fraud, on the rule of might! Unless the republic of Ireland is openly acknowledged, let us refuse to join in a conspiracy to cheat the downtrodden of the world! Let us insist that the 14 points be accepted as declared, not subject to hidden treaties and agreements making them null and void.

No. 7.

STATEMENT OF HON. JOSEPH P. MAHONEY, CHICAGO, ILL., FORMER STATE SENATOR.

Mr. Chairman, a time has again arrived when the Senate of the United States must exercise the power imposed on it by the Constitution for the preservation of this great Nation. As president of the United Societies of

Chicago, I am commissioned to attend the meeting of your committee to-day to inform your honorable body of the views of some 750,000 people of Irish blood who reside in Chicago upon the question of adopting or approving the league of nations pending before your committee. As American citizens we stand unalterably opposed to this measure, and we most earnestly call upon your committee to report it back to the Senate with the recommendation that the Senate refuse to concur in and approve of it. We believe that the country has greater cause to-day in view of the intrigues, secret treaties, and deception on the part of the great nations who propose to be the signatories with us to this proposed league of nations, to refrain from entering into any entangling alliance with European nations than we did at the date of the warning in Washington's Farewell Address. For more than a hundred years we have prospered in attending to our own affairs; let us stick to the old plan. Gentlemen, in the name of freedom, let us return once more to that honorable and independent position among the nations under which we have made such remarkable progress, that to-day we are the foremost Nation of the world. Let us stand firmly for the struggling young republics growing out of the recent war, and extend to them our early recognition and support. This is the wish of the people of Irish birth or descent in the United States and of all Americans who love their land.

No. 8.

STATEMENT OF JUDGE O'NEILL RYAN, OF ST. LOUIS.

SENATORS: As I understand, you desire to hear our views on the league of nations in so far as we represent public sentiment in our respective communities, and also what is our special viewpoint as to the effect of the league on Ireland's right which she has determined to a republican form of government. Together with my colleagues from St. Louis, I represent many thousands of Americans of Irish birth or descent in various organizations; also we believe we speak the sentiments of many more thousands of the race who are not in any organized bodies, but who are profoundly interested in this question and who believe that Ireland should be recognized by this Government as a republic. We may safely say that all for whom we speak are confident that if this league is adopted in its present form and this Government becomes signatory, Ireland will continue as she has been for centuries, a subject country, and under a power that has never hesitated to drain her life's blood physically and economically. Personally, I am absolutely opposed to my country becoming a signatory to this league no matter what amendments or reservations thereto may be made. I believe in its essence it strikes at and is antagonistic to the Constitution of our country and the fundamental principles of human liberty upon which that Constitution is rested. We have guaranteed by our Federal Constitution a republican form of government to every State of the Union. By this instrument we would undertake to guarantee the perpetuation of forms of government which are hostile to our own both in their principles and in their practices. That the United States should undertake to guarantee with its blood and treasure the perpetuation of monarchies and empires should be unthinkable to any sound American mind. I believe this sentiment against any league of nations so far as our country is concerned is rapidly growing, and that the great debates which have been going on in the Senate chamber are informing and convincing the American people who have hitherto been kept in ignorance of the facts and have been deluded by the specious pretext that the league meant peace.

So far as its immediate effect upon Ireland is concerned, I recall the question of just this morning, that Senator Brandagee addressed to Mr. Walsh, inquiring if he had read the address of Senator Walsh and what he believed as to his argument that this league would protect Ireland. Mr. Walsh answered he had not read the speech. I read every word of it, as I have read perhaps every word of all the addresses upon this subject in the Senate, as they have appeared in the Congressional Record. The answer is that the argument of Senator Walsh is absolutely fallacious. By article 10 we undertake in substance to respect and guarantee the territorial integrity and political independence of the signatory powers, guaranteeing that territorial integrity against external ag-

gression. No one but knows that Ireland unaided can not throw off by force the yoke of British tyranny. But in one of two ways can the Irish republic become de jure facto as it is now de facto. One is by its recognition by the United States and the effect of that being to compel its recognition by England, and the other is by revolution aided by outside power. Ireland to-day is an armed camp. It is under a military despotism like unto that to which Belgium was subjected by Germany, and Egypt is now subjected by England, and Korea by Japan. If this league were joined in by this Nation, and Ireland sought to overthrow that power which now dominates her by military force and there was interference on her behalf by any other country so that the words "external aggression" came into effect, if England needed or asked our aid it would become our duty at once to give to her our military power to destroy Ireland's efforts at freedom. In other words, it is absolutely impossible for Ireland unaided to successfully revolt against English power. We would guarantee by this covenant that no foreign power could interfere on her behalf without knowing that this Nation would with her money and men take England's side of the conflict. That is the plain reading of the covenant.

However my own feeling, and as I said before, I believe the feeling is growing enormously, is that in no circumstances and with no reservations or amendments, should we become signatory to the league. Not even if Ireland were independent, if she were a republic, and her territorial integrity and form of government guaranteed by this Nation, would it still be either just or wise for this Nation to become party thereto. That I say, in view of what we know to be the gross injustices and flagrant violation of the rights of subject peoples that have been perpetrated by at least two of the great signatory powers and that we would guarantee if we became party, and we know not what other secret arrangements have been made by which other peoples are plundered and their countries divided like the vultures plucked at the vitals of Prometheus, Ireland would not want her liberty at the expense of the liberties of other peoples. The Senate alone stands between the people of this country and the Constitution of our Government, and those who would destroy the people and violate the Constitution. Many of you gentlemen have made a magnificent fight against this league, and once again it becomes manifest that the people of this country must turn to the Republicans to save it from desecration and division.

No. 9.

STATEMENT OF DANIEL T. O'CONNELL, DIRECTOR OF THE IRISH NATIONAL BUREAU, WASHINGTON, D. C.

The wave of spontaneous support of the cause of Ireland that has swept America and finds voice at this hearing is convincing proof that the people of the United States demand that Ireland be free.

The teachings of Washington, Jefferson, Patrick Henry, John and Samuel Adams, John Hancock, James Otis, and the patriots who founded the United States have not been forgotten. America is aroused in defense of the liberties the Revolutionary patriots won for the colonists, their descendants, and the millions of emigrants and their descendants who found under the Stars and Stripes protection from oppression and all the privileges of human liberties.

The league of nations treaty now before the Senate must be rejected. It is the product of British scheming. If ratified it will destroy our most cherished traditions, and Ireland will be more fettered by British chains than ever before.

No. 10.

RESOLUTIONS OF IRISH NATIONAL ASSEMBLY, EXPRESSING THANKS TO UNITED STATES SENATE.

Dr. Patrick McCartan, envoy of the republic of Ireland in the United States, August 25, 1919, handed to Vice President Marshall, as President of the Senate, a parchment communication from the Dail Eirann (Irish national assembly) expressing the thanks of the elected representatives of the Irish people for the recent action of the Senate in requesting the American commission to the peace

confrence to secure for President Eamon de Valera and his colleagues on the Irish republic's peace commission a hearing before the peace conference at Paris; and for the expression of the Senate's sympathy with the aspirations of the Irish people to govern themselves. The following is the text of the communication in full:

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES,
Washington, D. C.

SIR: We have the honor to inform you that the subjoined resolution was unanimously adopted by the Dail Eriann in session assembled in the Mansion House, Dublin, on 17th June, 1919.

Accept, sir, the assurance of our high esteem.

ARTHUR GRIFFITH, *Acting President.*
SEAN O'CELLEAGH, *Speaker.*

"The duly elected representatives of Ireland assembled in legislative session in Dublin, this 17th day of June, 1919, before taking up the business of the day, desire to record their appreciation of the action of the Congress of the United States in behalf of Ireland, and in particular of the following resolutions adopted by the Senate of the United States:

"'That the Senate of the United States earnestly requests the American peace commission at Versailles to endeavor to secure for Eamonn de Valera, Arthur Griffith, and George Noble Count Plunkett a hearing before the peace conference in order that they may present the case to Ireland.

"'And, further, the Senate of the United States expresses its sympathy with the aspirations of the Irish people for a government of their own choice.'

"*It is therefore resolved*, That the elected government of Ireland be, and is hereby directed to convey the thanks of the Irish nation to the Congress of the United States, to declare that the people of Ireland cherish no designs upon the rights of territories of other nations, but ardently seek to live in cordial peace with, and as one of, the free nations of the world; and to assure the people of America that the ties of blood and friendship which subsisted between both nations in the days of their subjection to one common oppressor have endured and are indissoluble."

No. 11.

STATEMENT OF HON. EUGENE F. KINKEAD, FORMER MEMBER OF CONGRESS AND FORMER MAJOR, UNITED STATES ARMY.

I appeal to the Senate not to accept any covenant which would prevent this Nation from following its time-honored traditions in giving aid to peoples striving for independence. The covenant, as framed, would keep Ireland, Egypt, India, Korea, and colonies in South Africa in bondage. To accept it would defeat the purpose for which we entered the World War and align us on the side of autocracy and against the right of peoples to determine for themselves the character of government under which they shall live. This right we concede to Germany. Shall we deny it to Ireland? We can only judge the future by the past, and our knowledge of the Government of Great Britain, as distinguished from its great people, should convince all fair-minded Americans that the adoption of article 10 of the covenant will rivet anew the chains on Ireland. Seventy-five years ago President John Tyler declared that he was no half-way man regarding Irish independence. To-day 75,000,000 Americans demand that the covenant that shall form the basis of any league of nations shall embody the same principle.

No 12.

STATEMENT OF KATHERINE HUGHES, SECRETARY IRISH NATIONAL BUREAU.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: In 1916 hero hearts in Ireland again rose in armed rebellion and proclaimed, "In the name of God and of the dead generations from which she receives her old traditions of nationhood," that Ireland had a God-given right to freedom.

They fell—Ireland's latest of hero rebels—but in the travail of 1916 the Republic of Ireland was born. This Republic lives to-day, as truly a Republic as that of America in 1778, when its Congress, through its envoy, Franklin, pledged itself to aid in the liberation of Ireland if her oppression by England continued.

This Republic of Ireland has to-day the recognition of but one State—that of Russia—as the American Republic in its infancy had only the recognition of France. The man who presides over the Congress of Ireland to-day was elected to that position by the unanimous vote of all the representatives of the Irish Congress, elected in their turn by the combined ballots of 75 per cent of the Irish Nation.

There is not in the world to-day a government more essentially "of the people, by the people, and for the people" than that of the Irish Republic, yet if America ratifies the peace treaty with its component league of nations, guaranteeing the integrity of the British Empire as it exists in international day, America would be guilty of aiding to suppress this government of the Irish people; it would be throttling Ireland's heroic expression of self-determination made by ballot last December in the face of an English army of occupation; it would be reforging England's chains on Ireland by increasing the "right of might" which alone keeps her bound to-day.

On the other hand, if America rejects this league of nations and its sections buttressing British imperialism, America will be free to give official recognition to the government of the Irish republic and so make Ireland to-day in the eyes of the whole world an independent nation. This a free America can do without a drop of bloodshed and with only a passing protest from England, so lately America's associate in a war for democracy.

If, however, America ratifies this treaty and component league, she will not be free to act as liberator of this gallant little country, which is the motherland of 20,000,000 in America—not free to be liberator of Ireland, which was first to come to the aid of America in her struggle for liberty—not free to be liberator of Ireland, whose president even now is America's gift to Ireland, for Eamonn de Valera was born under the folds of Old Glory.

This invaluable gift was renewed by America in 1916, when nothing but his American birth stood between Eamonn de Valera and the rifles of the executioners, who had taken the lives of his comrades in arms.

America has lately been associated in a great world war and has exchanged views with many other States, but I can not believe that America has sacrificed or will sacrifice one iota of its historic principles of liberty and the rights of national freedom, which make America to-day the hope of oppressed peoples everywhere.

America is true to the America of the past, and America will, I firmly believe, soon give Eamonn de Valera to Ireland a third time—not as a child of destiny nor as an imprisoned rebel, but as a victorious president. On that day America will not only give Ireland her president. She will also give to Ireland the priceless gift of freedom. She will reestablish Ireland in the eyes of the world as a sovereign nation.

No. 13.

STATEMENT OF MR. PATRICK J. LYNCH, OF INDIANAPOLIS, IND., CLERK OF THE SUPREME AND APPELLATE COURTS OF INDIANA.

Mr. Chairman and gentlemen of the committee, citizens of Irish blood are appearing before your committee in the earnest hope that out of the great world conflict recently ended there may come, as a part of the fruits of victory, a fulfillment of the great principle of self-determination for all nations, weak and small, as laid down by President Wilson.

Throughout all the annals of civilization there is no parallel of the steadfast and continuous courage shown by the Irish people for more than 700 years, cherishing without intermission the hope and national aspiration of that freedom for which they have so often fought. Racially the Irish are a separate people; theirs is a national spirit; their country is their own, and has been wrested from them only by the power of might, not upon the great God-given principle of right.

At this time when the hopes and aspirations of all peoples, the world over, especially those long oppressed, is to gain their national freedom, and in the light of the charter enunciated by the President of the United States of the

right of all nations, great and small alike, to live under that form of government which they themselves want, and such hopes are being realized by younger nations, surely Ireland may, in truth and justice, ask that the centuries-long struggle in this dawn of the new era of making the world safe for democracy be ended forever.

No. 14.

JOINT STATEMENT OF REV. JOHN J. MORAN, OF YOUNGSTOWN, OHIO, AND CHARLES P. MOONEY, OF CLEVELAND, OHIO, REPORTING IN BEHALF OF THE STATE CONVENTION OF THE ANCIENT ORDER OF HIBERNIANS OF OHIO.

GENTLEMEN OF THE FOREIGN RELATIONS COMMITTEE:

Ireland has, by its recent vote at the last parliamentary election held in that country, given expression to its demand for complete independence and voiced its opposition to a union with Great Britain by a vote of 1,516,779 in favor of an Irish republic as against 308,713 votes in favor of the union. As the men who advocated complete separation had been leaders of the revolution of 1916, and most of them had just been released from British prisons, because of their part therein, they squarely raised the issue of complete separation in their campaign for election. There can be no question raised that the Irish people misunderstood the issue involved in that election. It was an overwhelming majority of the people of Ireland expressing the right of self-determination and expressing their desire to establish an Irish republic and govern themselves.

Since that election, the executive officers have been elected and are now in a position to take over the government of that country and perform all of the functions of government so that the question of separation of Ireland from England is not one that may become a serious problem in the future. It is the present existing condition—a condition which has resulted in the occupation of Ireland by a large military force with all the paraphernalia of war. Large districts throughout Ireland have been occupied and the free movement of the people has been repressed in the same manner as the movements of the Belgians were repressed during the invasion of that country by Germany; in other words, Ireland to-day is in a condition of insurrection and England is using the same methods that were used by Germany when they occupied Belgium. The right of self-government of Ireland and the expression of the people for separation was supported by the American people as enunciated by our President that small nations desiring self-government and giving expression to that desire would have the protection of this great Republic in establishing a government suitable to their desires and wishes. The effect of article 10 of the covenant of the league of nations is to completely withdraw that promise of protection and to declare instead that we will not permit small nations, excepting such as were in possession of the enemy, to etablish and exercise the rights and functions of independent government.

The men who are fighting for the covenant of the league of nations as it now exists with article 10 included therein are as false to the principles under which we were asked to enter the war as a human being can be false to any principle, because in accepting article 10 we are doing the reverse of what we promised to do. You may ask what effect article 10 of the league of nations will have on Ireland. This question involves the present international status of Ireland as distinct from the wishes of the people as expressed in the last election. Under international law, Ireland is recognized as an integral part of the British Empire and I presume in considering article 10 you are bound to recognize her status as such. This being so, in adopting that part of article 10 which reads as follows:

"The high contracting parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the executive council shall advise upon the means by which the obligaton shall be fulfilled."

In other words, you are undertaking to pledge this Great Republic to continue Ireland as a part of the British Empire, and under article 11 you are placing in the hands of the countries party to this treaty, namely the United

States, Great Britain, Japan, France, and Italy, and such other countries as may become a party to the league, the power of determining for this body the necessity of entering into a war with any country that should attempt to assist the Irish people in their struggle for independence. This is not a possibility, as it has arisen in the history of Ireland in the last three centuries. In 1601 Spain landed armed officers in Ireland for the purpose of assisting the Irish people in securing its independence. If there had been a league of nations at the time, the league under articles 10 and 11 would be obliged to come to the assistance of England, and had we, when we obtained our independence, become a party to such league of nations, we would have been obliged to enter into war with France in 1798 when Napoleon sent Gen. Humbert with 6,000 men and landed in Killala Bay in Ireland for the purpose of assisting the Irish in securing independence. International conditions may bring about a similar situation at any time.

The effect of article 10 is to take out of the hands of the Congress of the United States the power to declare war and to place it in the hands of the high contracting parties to this covenant. In other words, the adoption of the covenant of the league of nations is a surrender or an attempt to surrender the power to declare war which is vested in the Congress of the United States. To my mind the insuperable obstacle of articles 10 and 11 is that he takes away from Congress the power of making war and places it in the hands of a body other than the Congress of the United States. The granted power to Congress by the States to declare war is a delegated one and is limited to the power expressly granted for such powers as may be necessarily implied from the granted power. The declaration in article 1, section 7, of our Constitution is, "The Congress shall hove power, among other things, to declare war."

This section does not say that this body shall have power to delegate the right to declare war to any other body. This can be done only by a constitutional amendment. An amendment transferring the power to declare war from Congress and give it to the high contracting parties in the league of nations.

I am here first as an American citizen to protest against the adoption of the league of nations; as an American citizen, a citizen of the State of Ohio and an accredited representative of the Ancient Order of Hibernians of Ohio, not only on the ground that such action would be unconstitutional, but on the larger ground that it is wholly immoral for this country, the leading Republic in the world, to endeavor to enter into an agreement which has for its object the repression of the rights of a liberty-loving people to decide for themselves the form of government under which they desire to live.

No. 15.

STATEMENT OF MATTHEW CUMMINGS, OF BOSTON, MASS., EX-NATIONAL PRESIDENT OF THE ANCIENT ORDER OF HIBERNIANS.

Mr. Chairman and gentlemen of the Senate Foreign Relations Committee, I believe that it is admitted by fair-minded men everywhere that Ireland is entitled to her freedom. The Governments of Australia and Canada have passed resolutions repeatedly in favor of Irish freedom. The labor organizations of England have gone on record demanding that justice be done to Ireland and that she should be allowed to determine her own form of government. The legislatures of a majority of the States in the Union have passed resolutions advocating Irish independence. The House of Representatives of the United States Government and later on the Senate of the United States, by a vote of 67 to 1 advocated freedom for Ireland and asked our representatives in Paris to see to it that Ireland got a hearing at the peace conference. The Irish race convention, representing 20,000,000 in America of Irish blood sent three commissioners to Paris for the purpose of having President Wilson and the American representatives at the peace coneference place the Irish question before that body.

The President on this country entering the war stated repeatedly that all nations must be granted the right to determine their own form of government, and more than a million American boys of Irish blood fought under the Stars and Stripes convinced that American success in the war meant also the freedom of the land of their ancestors. If the pledges made by our Government during the war are not carried out, a stigma will rest upon the splendid traditions of this

country. Therefore we appeal to you as the treaty-making power under the Constitution of our country to see to it that the pledges to small nations made by the Chief Executive in the dark hours of the war are fulfilled and that Ireland should be accorded the right of self-determination. We earnestly protest against the covenant of the league of nations and ask that it be rejected as a whole. We believe that it is impossible to amend it so as to protect American rights and sovereignty. We believe that in articles 10 and 11 of the covenant of the league of nations is adopted Ireland would be deprived of her liberty for all time and that the people of that long-suffering country should be given an opportunity to lead their own life in their own way and under their own form of government, at peace with the world and established as an independent nation.

No. 16.

STATEMENT PRESENTED BY THE ADVISORY COMMITTEE OF THE IRISH VICTORY FUND, BOSTON, MASS.

The delegates to this hearing from Massachusetts, representing an overwhelming majority of the 875,000 persons in the Irish racial group in Massachusetts, wish to add their protest against the approval in any form of the proposed league of nations.

The enactment of this proposed league will accomplish effectually what the British Government has in various ways been trying to bring about for more than a generation, to wit, the creation of a supertreaty body, which will nullify the power of the whole people, as represented in the United States Senate, to pass on and approve treaties with foreign Governments.

We protest against this treaty because of its certainty of economic enslavement of the United States, with its inevitable consequence in unemployment and attending train of evils.

Because of its geographical isolation from the sources of raw material and the buying population of the United States, New England has a peculiar interest in the failure of the Paris conference to even mention, provide for, or to regulate the "freedom of the seas," and in thus doing has, as a result of the victory over the Central Powers, substituted the menace of British sea control, based on "navalism" for the "militarism" defeated through American intervention.

From the headquarters of Tory sentiment we appeal to the American spirit, which in the first part of the nineteenth century opposed a similar British attempt to control the seas and gave to the world the Monroe doctrine.

We appeal to the spirit which, in the forties, after the advent of the iron ship, met another English attempt to control the seas by building in 15 years the largest merchant marine up to that time ever produced in the world, and contrast this with this attempt in the proposed league of nations again to enslave the merchant marine of this country.

We appeal to the spirit which built the Panama Canal that our surplus products could have opened to them the markets of the Orient, and contrast it with the action which in 1913 removed by law the preferences to American shipping then obtained, and to-day in the Shantung outrage has closed to the trade of the United States a market of a half-billion souls.

We protest against British dominance over the cables and mail communications of the world, and refer the committee to the recent report of the United States Foreign Trade Council on this subject.

We refer the Senate committee to the report of the Senate investigation committee of 1913 on the operations of the alien shipping trust, the conditions then complained of and admitted to exist, which remain to-day to menace the commercial future and economic progress of the United States.

We respectfully suggest to your honorable committee that they investigate the stifling of American aspirations for freedom of the seas, through the influence in the various chambers of commerce and business organizations in the largest cities in the United States, of the paid agents of steamship companies, and others representing foreign shipping interests.

We respectfully suggest that before coming to a decision on this question your honorable committee make inquiry into the action during the war of the British Government, which, through "orders in council" not sanctioned by international law or the comity between friendly nations, committed numerous

acts obviously designed to cripple our commerce and trade during the war, and especially with relation to the effect of these "orders in council" as obvious preparation for the proposed British league of nations now being considered.

We protest against any situation which permits British vessels to demand and to get free wharves in practically all the cities on the Atlantic seaboard, which represent approximately 5 per cent interest on an American investment of $200,000,000, and which puts it within the power of the alien shipping trust to deny American cities the right to do foreign business through these ports, except at its pleasure.

This we do in the name of justice, of honor, and in the American spirit of independence. While the United States remains on the seas by favor of any foreign Government, this country is in economic slavery.

This is an American question. If America settles this question right and the principles under which we entered the war are insisted on, Ireland, with the rest of the world, will share in the resulting benefit.

We are Americans first, last, and always.

We ask that the present proposal for the league of nations be opposed for the honor of our country.

BOSTON ADVISORY COMMITTEE
IRISH VICTORY FUND.
JOHN MORTON, *Chairman;*
EDWARD F. MCSWEENEY,
JOHN H. H. MCNAMEE,
EDWARD W. QUINN,
DANIEL FOLEY,
DANIEL T. O'CONNELL,
JAMES O'SULLIVAN,
Delegates.

No. 17.

LETTER OF THOMAS F. COONEY AND OTHERS.

WASHINGTON, D. C., *August 30, 1919.*

To the Committee on Foreign Relations, United States Senate,
Washington, D. C.

SIRS: The Irish race of Rhode Island, through its duly-accredited representatives, in attendance at a meeting of your committee, held on Saturday, August 30, 1919, to consider a proposed league of nations, hereby enters its protest against the adoption of the proposed league in its present form.

The reasons for our protest are: That it is un-American in that it means the abandonment of the traditions and ideals for which this country has always stood; that it creates an alliance with European powers and forces us to take part in the embrollments of those powers; that it means the enslavement of millions of people; and that it denies to those people the right to determine for themselves the form of government under which they want to live; and that it means the absolute surrender of the principles for which this country fought.

Further, we protest against the ratification of the proposed league and peace treaty, because it fails to recognize the government of the republic of Ireland, a government that is the choice of 80 per cent of the people of Ireland, and which is prevented from functioning in every department because of the military power maintained by England in Ireland—a military that is brutal and savage in its treatment of the Irish people.

Further, it condones and perpetuates a flagrant breach of the promises made by the representatives of England in procuring the entrance of the United States into the war.

The representatives of the Irish race in Rhode Island urge upon your consideration, in support of this protest, the numberless and invaluable contributions of the Irish in establishing and maintaining the American form of government, to which they have looked throughout its history for encouragement and support of the inalienable right of freedom—"That government of the people, by the people, for the people shall not perish from the earth."

The protest herewith presented is submitted by us primarily as American citizens, mindful of the debt of gratitude owed by our country to Ireland, and

desirous of preserving the fundamental principles of our government in their pristine strength and purity.

THE IRISH RACE OF RHODE ISLAND,
By THOMAS F. COONEY.
CORNELIUS C. MOON.
PATRICK J. MURPHY.
DANIEL E. DOHERTY.

No. 18.

TELEGRAM TO CONGRESSMAN NOLAN REPRESENTING THE UNANIMOUS SENTIMENT OF THE IRISH SOCIETIES OF CALIFORNIA AGAINST SECTION 10 OF THE LEAGUE OF NATIONS.

SAN FRANCISCO, CALIF., *August 29.*

Hon. JOHN I. NOLAN, *Washington D. C.*

Please represent our San Francisco and nothern California societies and Irish freedom fund committee of California at hearing before committee to-morrow morning.

ANDREW J. GALLAGHER.

No. 19.

JOINT STATEMENT OF MICHAEL L. FAHEY, PAUL F. SPAIN, AND JOSEPH T. BRENNAN, OF BOSTON, MASS.

Ireland's claim for independence was given a new birth upon the declaration of President Wilson when our nation joined in the contest for the defeat of Germany. For centuries her patriots had waged the fight for freedom against a world tyrant, against a people who dominated through force, a people who ruled with an iron hand, whose hands were red with blood and who were guilty of the most abominable crimes.

What country in all the world has suffered as Ireland in the contest to regain independence? The most outrageous crime, and the one to which little attention has been given, which England perpetrated upon the Irish people occurred during the nineteenth century. when, through its cruel laws, the Irish people were scattered throughout the world. But that result, as shown to-day, strengthened her people, and to-day their power will be shown to be sufficiently strong to compel England to grant to Ireland the independence her people have long prayed for.

No. 20.

STATEMENT OF HUGH O'NEILL, OF CHICAGO, SPEAKING AS A REPRESENTATIVE OF THE COMMITTEE OF ONE HUNDRED FOR AN IRISH REPUBLIC.

Mr. CHAIRMAN and GENTLEMEN OF THE COMMITTEE.

The Americans of the Irish race in the great Middle West, as in all other parts of America, urge the defeat of the proposed league of nations because it impairs the sovereignty of the United States, violates the principles for which we entered the war, creates an unholy alliance, nullifies the Declaration of Independence, creates a superstate, endangers the Constitution, destroys the Monroe doctrine, recognizes the breakdown of nationalism and the creation of an international power, gives to England the control of the seas, and guarantees to England the possession of Ireland against the wish of the Irish people.

The league of nations impairs the sovereignty of the United States because it places the United States Government under the control of a superstate operating through an assembly and a council, the United States in the assembly having only 1 vote in 45, and England saving 6 and the practical control of the majority of the other votes, and in the council only 1 vote in 9 and no vote at all when her interests are at stake. Because it requires us to maintain permanent armies upon foreign soil to police the discontented subjects of bloated monarchies or crush the tumults of peoples indulging in the wild theories of socialism or anarchy.

Because it takes away from the United States Congress the right to declare war or conclude peace. Because it creates a supergovernment that would be an unrestrained and unlimited trust which would dominate our international and domestic affairs. The league of nations violates the principles for which America entered the war, and as the President, the spokesman of America, says, "We entered the war for the ultimate peace of the world and for the liberation of its people; for the rights of nations great and small and the privilege of men everywhere to choose their own way of life and obedience; for the reign of law based upon the consent of the governed; for the rights and liberties of small nations; for affording material guaranties of political and territorial independence for great and small nations alike.

"We are fighting for the liberty, the self government, and vindicated development of all people." (May 26, 1917.) "And that the people of the world shall choose their own masters and govern their own destinies, not as we wish, but as they wish."

The league of nations creates an unholy alliance and violates the doctrine of George Washington as to no entangling alliances. Are we ready to admit that Washington was a dreamer, that nationlism has broken down, and that a Bolsheviki internationalism shall be the form of our new freedom? An alliance would be destructive of American liberty, and an alliance with England in a league of nations would be abhorrent to the great body of the American people.

The league of nations would nullify the Declaration of Independence because it ignores the fundamental truth declared as the basis of good Government that all just governments derive their powers from the consent of the governed. It ignores the self-evident truth that all peoples are born free and equal, because it would leave the Irish in political servitude and seal their doom by article 10, which guarantees the territorial integrity of the signatory powers.

The league of nations endangers the Constitution because it suspends the guarantees of the United States and the State constitution. It limits the functions of the Congress, limits the jurisdiction of the Supreme Courts of the United States, and dislodges the powers of both the legislative and judicial branches and either assumes them or places them under the control of the President, thereby making him a virtual dictator.

The league of nations destroys the Monroe Doctrine as it takes away from it the character of a national policy and reduces it to the level of a regional understudy.

For these reasons we are unalterably opposed to the league of nations.

No. 21.

STATEMENT OF RICHARD W. WOLFE, OF CHICAGO, FORMER PRESIDENT COOK COUNTY REAL ESTATE BOARD OF CHICAGO, IN BEHALF OF THE COMMITTEE OF 100 FOR AN IRISH REPUBLIC.

Mr. Chairman and gentlemen, I am opposed to the proposed league of nations because its provisions are in opposition to the great principles for which our country fought in the big war, to make the world safe for democracy and to secure the rights of small nations. This denial of the principles for which we fought has filled the hearts of American citizens with disappointment, dissatisfaction, and unrest.

I am further opposed to the proposed league of nations because it would doom Ireland to perpetual servitude to England. To do this would be a grave injustice not only to Ireland but also a grave wrong to America.

You, gentlemen, have red blood in your veins, and you resent an insult. You are human, and you resist and strike back at anybody or anything that robs you of your property, your rights, and opportunities.

It is because of these very human reasons that the Irish question is an American question. We of the Irish race in America resent insult and resist and strike back at the enemy who would rob us and assassinate our character. England in order to maintain her hold upon Ireland thinks it desirable to destroy the influence, assassinate the character and injure in every conceivable way the Irish race in this country. So that it takes 10, 20, or 30 per cent more brains and more energy for a man of the Irish race than for

a man of the English or Scotch races, or other races to accomplish the same results in this country. Now, there can not be inflicted upon a part of the community or a part of the nation a loss or injury without corresponding loss and injury to the community or the nation as a whole.

The stage Irishman was manufactured in the London music halls and shipped to this country to aid the deadly work of the murderer of the Irish character by that deadliest of weapons, ridicule. Newspapers, books, periodicals, the lecture platform, and more recently the motion picture—every avenue of publicity—has been used to besmirch the Irish race in America. Provost Marshal Crowder has reported that the percentage of Irish who waived exemption was much higher than that of English or Scotch or other races. But the English propagandists would have us believe differently. England has spent millions for propaganda, and the lies told about the Irish are enough to curse the world. It is, I submit, sound American policy to remove the cause of this friction, of this humiliation, insult, and injury to American citizens of the Irish race. The cause is the enslavement of Ireland by England. A free Ireland would remove the motive for English attack upon American citizens of the Irish race.

Besides, it would, more than anything else, help to bring about that which every good American citizen wants to see, that it is a hamonious American nation, all of the races coming together in the melting pot, and commingling and uniting for the common good of the Republic. There should be no friction between the English race and the Irish race in this country, and there would be none if Ireland were free, because then the business of the propagandist was at an end. The paid lecturers spreading poison and hate against the Irish race in America would be out of a job. The Irish question is an American question, and we appeal to you to look upon it as such.

We went to war to right the wrongs of small nations, to make democracy safe for the world. Ireland by a plebiscite has declared for a republic. Indeed, Ireland is the only one of the small nations that has had a plebiscite and expressed its self-determination. How can any American consistently deny Ireland's right to a republican form of government? How can any American deny a republic in favor of an empire with a caste system which is mediocre where the law of primogeniture and entail persists, where a state church takes part in government, where a house of lords rules with all its power of titles, wealth, and prestige?

Ireland's case furnishes the supreme example of merciless profiteering and exploitation. Let us take the figures on Irish population. I quote from a British publication, the Statesman's Year Book. It shows that in the year 1800 the population of Ireland was 6,000,000, while the population of England was 8,000,000. In 1850 the population of Ireland rose to nearly 9,000,000. The population of Ireland to-day is less than 4,500,000. The population of England is 36,000,000. John Stuart Mill, the English economist, has stated that Ireland can support a population of 25,000,000. And everyone who knows anything about it knows that Ireland can support a population of 25,000,000 to 30,000,000. Belgium has a poulation of 8,000,000 and is less than one-third the size of Ireland. Belgium and Holland combined are not so large as Ireland. The decline in population is an arrow sign as to Ireland's decay in other ways—industrially, socially, educationally. Before the war Ireland was doing less than one-third of 1 per cent of the export business of the United Kingdom.

The ruling class of England is blind, as privileged classes have always been blind. If it was not blind, this English ruling class would realize that Ireland fully populated and prosperous would be a better customer and certainly a better friend to England than Ireland depopulated and disaffected. Ireland would be a profitable customer of this country, far more so than countries far away whose trade we are eager too get. Ireland occupies a very advantageous position in the highway of commerce, a position similar to that of important business corners in the center of city life.

Ireland free would be a country of 25,000,000 to 30,000,000, prosperous and thriving, and of great potential value to America.

The question is asked, Would we go to war with England to free Ireland? That is not a fair or honest question. That question is not now before us. That question was settled when we went into the war for democracy and the rights of small nations, and when England accepted our aid with that declaration sent out to the world. To keep faith with our soldiers dead in France and Flanders and other parts of the world, to keep faith with the crippled and

maimed, to keep faith with weeping mothers and sad firesides of America, that is the question now confronting us. We ask you to save American honor. It is not America, but England, that would go to war should you decide to preserve the faith. England will not dare do it.

No. 22.

ADDRESS OF MR. SHAEMAS O'SHEEL, REPRESENTING THE WILLIAM PEARSE BRANCH OF THE FRIENDS OF IRISH FREEDOM AND THE WILLIAM ROONEY SOCIETY, BOTH OF NEW YORK.

Mr. Chairman and Senators of the committee, within recent months not only have I been made aware of the sentiments of the two socities which I have the honor to represent here, but, having addressed 46 audiences in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, and New Hampshire, I have felt the pulse of thousands of American citizens, and I am convinced that in the two thoughts which are all I shall try to present to you I correctly represent very widespread and deeply felt convictions.

In the first place, Americans of Irish blood oppose any such league of nations as here proposed far more vehemently from a purely American standpoint than from any thought for Ireland. A fact which is proved by the earnest and thoroughgoing approval which every audience I have addressed has expressed when I said that if Irish-Americans were to be offered the bribe of immediate liberation of Ireland, with the repayment to Ireland of every penny ever drained out of her by England as the price of their support of a league which would infringe American rights, there would not be a man or woman of all the millions of them who would consider the proposition for a minute.

The other thought is this: Two or three Senators have asserted that Ireland's real hope for liberation must be found in paragraph 2 of Article XI of the present league-of-nations covenant, which reads:

"It is also declared to be the fundamental right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb either the peace or the good understanding between nations upon which peace depends."

The idea advanced is that under this paragraph a member of the league might befriend Ireland by bringing its condition under military rule to the attention of the governing bodies of the league. That is undoubtedly true—so true that the English authors of the league covenant have guarded against it by a paragraph which I think has not yet been noticed to-day, paragraph 7 of Article XV, as follows:

"If the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party the council shall so report and shall make no recommendations as to its settlement."

It has been proved here to-day beyond even the attempt to question that the case of Ireland is not a domestic matter, but under all international law an international matter; but that is not the point; the point is that the council shall decide whether they will consider and promulgate it as a domestic or an international matter. If they decide that it is domestic, that is the end. If the people of Ireland were being slaughtered and the American people were aflame to help them, our Government could not even protest further after the council shall have decided that massacre of the Irish people is an English domestic concern. Surely it will be said the American members of council and assembly would never in such circumstances agree to such an interpretation, but if they did not and all others did, there being no unanimous decision, surely the majority decision would necessarily prevail to the extent of estoppng all action by the leage or its members.

"And the final point to consider is that this paragraph was not in the original draft of the league made public in February, but added entirely anew in the revised draft—purposely, I believe, Mr. Chairman, purposely to further safeguard England against American sympathy for Ireland being expressed through the league. I thank you."

No. 23.

STATEMENT OF R. E. O'MALLEY, OF KANSAS CITY, MO.

GENTLEMEN: I am here as the authorized representative of the Irish-American Societies of Kansas City, Mo., having a membership of more than 5,000 persons. I know of no better method of expressing their opinion on this important question than to file with you a set of resolutions adopted at the thirty-second annual picnic of the Irish-American Societies, of Kansas City, Mo., held in Fairmont Park on Sunday, August 17.

The majority of the people I represent are American born and of Irish ancestry.

In addition to the sentiments expressed in the resolutions filed herewith, I think I can say without fear of truthful contradiction that a great majority of the people of my community are opposed to the document known as the League of Nations and opposed to any document that might involve this Nation in entangling alliances.

(The resolutions referred to follow:)

Whereas there is now before the Senate of the United States for that body's ratification or rejection an instrument known as the league of nations covenant; and

Whereas article 3 of said covenant gives the British six votes in the league's assembly to America's one, even in passing on America's questions. We, with a hundred million population, are given only the same voting power as the negro Republic of Liberia in Africa, the nondescript kingdom of Hedjaz in Asia, and the semisavage island of Hayti in the Caribbean Sea; and

Whereas under article 8 the representatives of foreign nations advise us what size fleet and army America should have; and, once the size is agreed on, it can never be increased except by the unanimous consent of those foreign nations; and

Whereas article 10 binds us to make war for monarchies against smaller nations seeking freedom from imperialism, militarism and tyranny, should any one of said smaller nations in its struggle for freedom receive help from outside sources such as was given our own beloved country by France in the Revolutionary War, such as we gave the Republic of Cuba in its struggle for freedom from the horrible atrocities inflicted on it by the Spanish Kingdom. Under article 10 we are bound if China should ever attempt to recover Shantung, which is under the peace treaty given to Japan, to wage war against a friendly people, who have patterned their Government after our own, in the interest of a pagan monarchy. Likewise, should the recently formed Irish republic resist further misrule by Britain and outside aid is given her, we as Americans are compelled to send our boys across the seas to fight a people struggling for freedom from oppression, a people that in America's struggle against the same nation that is now the oppressor of the Irish race gave their encouragement, sympathy, men and a sum of $300,000, a large sum indeed at that time, for the cause of American independence; Therefore be it

Resolved, That the Irish-American societies of Kansas City, Mo., gathered at their thirty-first annual picnic, held at Fairmount Park, Sunday, August 17, 1919, gratefully acknowledge the patriotic service Senator James A. Reed is rendering our country in his able and courageous opposition in the Senate of the United States to this measure and respectfully urge Senator Selden P. Spencer to join with Senator Reed in an unrelenting effort to prevent this shameful abdication of this Nation's sovereignty and this unwarranted attempt to make Great Britain a super-state with six votes, while out great Republic, which is and should remain the leading Nation of the world, is ranked alongside the petty kingdoms and barbaric nations of the world. Be it further

Resolved, That we most heartily approve the Mason resolution appropriating necessary funds for the establishment and maintenance of diplomatic representation to the republic of Ireland and that copies of these resolutions be forwarded by the chairman of this gathering to the distinguished Senators mentioned herein and to the Hon. William T. Bland, Representative in Congress from this district; also to the press of the State.

No. 24.

UNANIMOUSLY ADOPTED BY THE DELEGATES TO THE CENTRAL LABOR UNION OF PHILADELPHIA, PA., JULY 13, 1919.

PRESENTED BY WILLIAM J. BOYLE OF PHILADELPHIA, PA.

Resolved, That this Central Labor Union, representing upward of 300,000 workmen, record its protest against the adoption by the United States of the league of nations as at present constituted. It has even been the policy of America to encourage democracy everywhere and it is unthinkable that we should now array ourselves on the side of autocracy by agreeing to article 10 of the covenant of the league of nations, which would compel us to aid in keeping millions of the people of the world in perpetual bondage. We abhor the thought that any group of men other than Americans be empowered to dictate our policies in peace or war. Our slogan is, "America first," and we especially approve that part of the resolution adopted by the delegates to the American Federation of Labor convention held in Atlantic City, N. J., June 9–30, 1919, which declares, "That nothing in the league of nations con be construed as in any way interfering with the freedom of Ireland as recognized by the vote of this covention."

No. 25.

STATEMENT OF EDWARD F. MCSWEENEY, OF BOSTON, MEMBER OF THE ADVISORY COMMITTEE OF THE IRISH VICTORY FUND AND NATIONAL OFFICER FRIENDS OF IRISH FREEDOM.

As I have stated in a series of articles published by the Boston American, the desperate need of civilization today is peace—from armed strife; from capitalistic oppression; from industrial terrorism; to get the world back to a semblance of brotherhood between men. Above all, the American people want peace with honor. Only two years ago a presidential election was won on the slogan that "He kept us out of war." At that time Belgium had been occupied for more than three years; the richest parts of France were in the hands of the Germans and the allied enemy was irresistibly pushing forward to control of the channel ports; England was threatened with invation and starvation. For three years and three months the world was ringing with stories of atrocities, outrages, barbarism; yet the American people were so opposed to war that even with all the facts before them they decided the choice of the greatest officer in the world on the antiwar issue.

At this time the German plans for world control were substantially consummated, the Teutonic dream of centuries was about to come true. From Berlin to the Persian Gulf the Central Powers were practically in mastery, and with the ultimate victory which was admitted unless America intervened, Germany would retain its control over South Africa, which, with Siberia, will in another generation be the source of the world's food supply.

The imminent collapse of Russia assured German control of the wealth of food and minerals of Siberia and the other undeveloped parts of the former dominion of the Romanoffs.

GERMANS FOUGHT WITHOUT PRETENSE.

Moreover, there was no German pretense about the rights of small people, self-determination, freedom, or democracy.

German control was autocracy, based on the power of might over right.

When the presidential campaign was held in 1916 this was the exact situation in Europe, yet a majority of the voters in the United States voted to reelect the President who had asked for their support because "he kept us out of war."

When, in response to the urging of the Allies, the President, in 1917, announced that American intervention was necessary, he laid down, in language which seemed divinely inspired, a declaration of purposes which made participation seem a holy cause—another Crusade to save the world from sin; to repeat in our generation the story of the American Revolution. With purest altruism and without hope of reward, the United States entered the war to insure for the world forever the things for which Washington fought and secured by American independence.

The war was won by the intervention of the United States, and to-day, eight months after the signing of the armistice, the national delirium of joy shown at its ending has not been justified. The great, patient, loyal heart of America is uneasy. The end of the war has brought, not happiness and contentment, but doubt and apprehension.

At the root of the national distress is disappointment at the failure of the United States' delegates to the peace conference to fulfill the solemn promises made to the nation when it entered and won the war; to the 4,000,000 young men called into armed service, 75,000 of whom were killed believing that they died for a high ideal; and to the 250,000 more or less permanently maimed, each one a living demand for redemption of our pledges.

The altruistic and unselfish spirit which flamed into action with the President's declarations of the purposes for which he made the call for arms has not changed in the slightest. The United States asks for nothing, wants nothing but it has awakened to the fact that after defeating German military despotism it is now asked to abandon American ideals and repudiate America. Having won the war, the United States is denied the right to dictate any vital part of the peace pledges to accept a monarchical dominance, based on "navalism." It welcomed eagerly the idea of a league of nations which was in line with the declaration which caused us to enter the war, but as the facts became known, the people are determined to repudiate the proposed "league of nations," written by Lord Cecil, which, in its lengthy preamble, does not even mention or hint at "liberty," or "self-determination," while confirming mastery of the world in the great powers. At its best, the proposed league of nations is a provocation to war, and at its worst a buttress of imperialism.

ENGLAND BLAMED FOR GREAT WAR.

The nation, willing to make full allowances for the necessary give and take of conflicting national interests to achieve the main end in view, has been reluctantly forced to believe that if the peace conference had insisted on a peace based on our declaration of purposes made before we entered the war the world would to-day be well on the road to peace, and that the seduction of American ideals and pledges by allied flattery, intrigue, and power of persuasion will, if confirmed by the Senate, establish with crushing force the secret treaty agreements; regarding which, on April 7, 1917, at Leeds, President Jowett, of the independent labor party of England, said: "The world war came as the result of England's secret treaties."

It will perpetuate the diplomatic intrigues and selfish balance-of-power agreements with their inevitable consequences of human, racial, and economic oppression, which it was the hope of the United States the war would remove forever.

The league of nations, in short, will undo the work of the American Revolution. It will make Great Britain supreme in the world. Under the pretense of friendship it is a carefully laid and skillfully worked out plan to retain, hamper, and dwarf the power of the United States to progress to its manifest destiny to be the leading commercial nation of the world, a consummation urgently to be desired in the interest of civilization, because the history of the United States has proved that its progress has ever been accompanied by a willingness to give equal freedom to all, as opposed to the repressive and arrogant overlordship which has been the distinguishing characteristic of British control, which for centuries has made it a definite policy to cripple or remove by whatever means at hand its business rivals.

It was British hatred of colonial progress and hope to destroy a potential commercial rival that caused the American Revolution.

It destroyed the commerce of Holland, Spain, and France.

It has repeatedly tried to control or destroy the commerce of the United States. Every time it has had opportunity it has shown its hatred of this country.

It has now destroyed Germany and would again control this country.

It went to war with China to force it to accept the opium trade, and then took Hongkong and $30,000,000 indemnity.

IRISH OPPOSITION TO PACT.

The Irish stock in America has found here economic, religious, and political freedom. Their first allegiance is here. They are, above all, Americans. Bitter experience for centuries of the economic, political, and religious degrada-

tion, due to English rule and intimate knowledge of the various processes by which Great Britain reaches its goal, has given the States Senate permits our best friend among the nations to be wronged, stolen its principal commercial district from China to be exploited by Britain's partner in the Orient, Japan, which did not send a soldier to Europe to aid the war.

While the nation abhors war, there is a price which is too high to be paid for a shameful peace. This is a strictly American question, yet the commonest defense of the league is that opposition to it is stirred up wholly by Irish hatred of England. That the American Irish are against the league proposed is true, but not for the reason given. The first object of every person of Irish blood in this country is the safety, prosperity, and happiness of the United States.

As they made the largest single racial contribution to the armed forces of the United States during the war, they are to-day the largest single racial force in the present struggle to save America from the consequences of the surrender of American liberty at the Paris conference.

APATHY ABROAD REGARDING LEAGUE.

This much may be said in addition—if the persons of Irish blood in the United States, who accepted without reservation the President's promises and in every way met the call in men, money, and war service, not obtruding themselves, keeping quiet under a systematized campaign of falsehood and misrepresentation, would now consent to remain silent under the fact that they are under this proposed league marked to be the only subject white race on earth, they would in justice forfeit the respect of all men—worse than this—they would lose their self-respect, and thus prepare the way for an automatic discrimination against themselves in every field of human activities. As Americans first, however, they put the United States first. When its liberty and future are safeguarded, Ireland will incidentally be benefited, because there is no difference in the principle involved.

The astounding fact is that the United States is the only Nation where the league of nations is taken seriously. The apathy concerning it among the allied nations is because it is known to be what it actually is: A British plan to get dominance over the United States, which the other nations are satisfied to let happen, while each (with the exception of Italy), shares in the division of loot parceled out in secret treaties made during the war, and confirmed in Lord Cecil's league of nations.

As the creditor Nation of the world, the only one with no ax to grind, the United States was in a position to command compliance in the peace negotiations with the ideal which forced it into the war. At the beginning every wish was complied with. When President Wilson proposed the ridiculous conference in the Sea of Marmora with the Russian Reds, the conference smiled, shrugged its diplomatic shoulders, and consented, whereupon Mr. Wilson appointed as the representative of the United States the Rev. Herron, whose peculiar notions regarding marriage and other long-observed American ideals are, to say the least, liberal. Inasmuch as the Nation has since the war become familiar with the Herron type of internationalists, who have come into prominence and power, it loyally gagged hard and swallowed. The Prince's Island conference, as the wise ones who voted for it expected, never was held.

EUROPEAN "GRATITUDE" PATHETIC.

The gratitude of the people of the European nations to the United States as represented in its Chief Executive was pathetic. They believed that he was the magic worker—they wanted and expected him to give to them peace, three meals a day, and a roof over their head, and got a Pandora's box, from which the colony of mischiefs is escaping despite the assurance that it would remain closed. The world, and the United States in particular, is beginning to realize what Wellington meant when he said after Waterloo: "There is only one thing worse than defeat—victory."

France has so little confidence in the league, as a power to restrain war, that it insisted on and obtained a separate defensive alliance with the United States.

In the Belgian Chamber of Deputies on August 8 the premier said that the league offered Belgium so little guaranty of peace that it forces that nation to look to its own defense. Italy, which alone has been denied its secret-treaty loot, is defiant and resentful.

When the league was presented to the British Parliament, its reception, according to the London press, was derisive laughter, the joke being at the expense of the United States. It was naturally not opposed.

The King of England paid unprecedented honor to Lloyd-George on his homecoming from Paris because of his diplomatic victories for Britain, and well he might. While the power of every other monarchy has been lessened, where not abolished, Great Britain is in political control of every third human being on earth, and is absolute on the seas; its only formidable European rival is out of the way; it has only one real business competitor left—the United States, which it obviously proposes to subdue by the arts in which it has no peer—diplomatic finesse, flattery, deception, intrigue.

To accomplish this end a campaign of British misrepresentation has been permitted to be carried on in this country and in South America, in which country it is designed to stifle, obstruct, ond control the competition of the United States. In the United States it has largely been directed to isolate the Irish question from the other questions of British imperial policy in their relation to American interests to force it forward as matter peculiar to the Irish and by invoking religious, racial, and personal passions, in the intensity of the controversy, to sidetrack discussion of matters of vital interest.

Decided on merit, there can be no permanent union between the government theories of Britain and the United States. It is the marriage of the serpent and the dove, doomed in advance to disaster.

"MILITARISM" AND "NAVALISM."

There is no difference to the future of liberty between "militarism" as represented by Germany and "navalism," which is the power behind the Government whose policy is thus explained by Lord Thring:

"The means by which the possessions of Great Britain were acquired have been various as the possessions themselves. What is the link which fastens each of these possessions to the mother country? The inherent and indestructible right to exercise imperial powers; in other words, the supremacy of the Queen and the British Parliament. What, again, is the common bond of union between these vast colonial possessions, differing in laws, in religion, and in the character of the population? The same answer must be given, namely, the sovereignty of Great Britain. The mode in which the materials composing the British Empire have been cemented together is exactly the reverse of the manner of the construction of the American Union. In the case of the American Union independent States voluntarily relinquisheed a portion of their sovereignty to secure national unity, and intrusted the guardianship of that unity to a representative body chosen by themselves."

While Lord Thring is in error in his conception of the "guardianship" of American sovereignty, which reposes in the people alone, he draws a correct picture of the power of British sovereignty, the exact opposite of the purposes of which the United States entered the war. With "militarism" temporarily defeated, inevitably to grow again if the league of nations is approved by the United States, the present fight is on "navalism," the present and future menace of world peace.

HOW ENGLAND HAS DOMINATED THE WORLD.

With the exception of one decade in the nineteenth century, about the fifties, when the United States awakened and took the control of the seas, only to relinquish it again with the coming of the Civil War, England, by the power of her navy, has absolutely dominated the world.

When the armistice was signed in November, 1918, the United States had a quarter of a million more soldiers in France than Great Britain, the balance of British soldiers necessary to equalize the number of United States forces at the front having been diverted to police duty in Egypt, India, and Ireland.

The British Navy was strengthened constantly during the war. The United States was permitted to build a merchant marine, but without freedom of the seas, which was not even brought up for discussion at Paris. England retains the power over the United States that it has exercised for a generation to control rates, freights, sailings, and ports, which leaves this country in commercial bondage to it. As a result the workingmen of the United States are in imminent danger of being unemployed for four months of each year.

Secretary Lansing made two statements in his testimony before the Senate Committee on Foreign Relations, either of which is sufficient to justify the defeat of the league of nations as being inimical to the future of American commerce.

One was that the "freedom of the seas was not discussed." While it later appeared in President Wilson's belated submission of his draft that a weak and innocuous mention was made of this subject, it did not even skim the surface of "navalism," the real menace of world peace. And the other, that the secret treaty between England and Japan, by which England gave something she did not own to a nation which had no right to receive it, was known before the terms of the peace treaty were decided, and objection was made against it to Mr. Wilson, without effect, by himself and his colleagues.

When the nation contrasts the verbal chastisement which Mr. Wilson gave Italy over the Fiume claims, largely of academic interest to this country, with his concealment and final indorsement, against the advice of his colleagues, of the pro-English-anti-American antihonor and decency Shantung deal, it must be admitted that the American people have shown wonderful patience, although there is little doubt of their resentment and determined opposition, which will be shown in the final action of the United States Senate.

The President has decided, however, that the league must go through, whatever happens, and, with his marvelous skill in phrasing, dragged into his address to Congress on the "cost of living" an appeal to wage earners to come to his assistance. Before doing this, workmen and manufacturers should consider the consequences to themselves, their families, and the Nation.

Sir Walter Raleigh said that the control of shipping meant control of world trade, and this meant control of the world.

For more than 20 years the need of a foreign market for the surplus products of the United States has been manifest. To facilitate access to the trade of the Orient and the Far East, which is thrown away by the Shantung steal, President Roosevelt built the Panama Canal to offset the advantages to British shipping of the Suez Canal. When it was completed, an advantage to American ships using it was given by law. This displeased Great Britain, which protested without effect until the Democratic administration came into power in 1913, when, in violation of campaign promises, the law was repealed.

Britain was not only mistress of the seas, but could and did control adversely the internal policies of this country designed to encourage and extend our sea power.

Under improved methods of production, tremendously stimulated by the war, the workers of the United States can produce in eight months all that the country can consume in a year. The solution of unemployment and its accompanying evils is in disposing of our surplus products of manufacture in the open markets of the world. The neglect, as admitted by Secretary Lansing, even to discuss at Paris the matter of the freedom of the seas is unexplainable, when we realize that in a United States Senate investigation held in 1913, recorded in several volumes of testimony, it was conclusively demonstrated, and admitted by the representatives of the Shipping Trust, that under trust methods it was impossible for the United States before the war to build or maintain a merchant marine.

HOW FOREIGNERS HIT BOSTON PORT.

A small body of foreigners sitting in an office in London could, and did, not only determine the price and character of American freight, but could determine and limit the ports in America from which freight and passengers could be sent. Means were provided where competition by independent American transportation companies was made impossible. Baltimore, Boston, and Philadelphia were forced to build and maintain expensive marine terminals, the use of which the Shipping Trust received free, while the alien ships receiving these favors had to pay for similar facilities in their home ports.

This was possible only because it was within the power of the Shipping Trust to close to foreign trade any one of these ports refusing to comply with its demands.

Neglect of the United States after the Civil War to maintain its sea strength left it at the beginning of the great war with its merchant marine only two-fifths what it was in 1855 and substantially the same tonnage as the United States had in 1810.

Under Shipping Trust control exports of the United States were restricted largely to the food and raw materials which Europe could not get along without.

As a result of this control, the price of products, such as cotton, copper, potash, food, meat, and grains was in most cases dominated in England, and in some combinations by England and Germany together.

ENGLAND FLOUTS AMERICAN RIGHTS.

During the war England contemptuously disregarded and opposed our business rights. It held up our ships dealing with neutral nations, blacklisted and confiscated our products, and refused to permit our doing business with neutral countries, while it sold the same kind of goods to these neutrals. In its effort to get control of trade formerly done by Germany it shut us out of South America. When our progressive manufacturers attempted to build up the dye industry it put embargoes on exports to the United States of logwood and barks from Central America—all this through its control of the seas.

Cotton grown in the Southern States was sold by English middlemen to continental European manufacturers at a lower price than the same cotton could be bought by cotton manufacturers in New England. Of eighteen millions' worth of manufactured cottons imported into Argentina the year before the war, the United States, the greatest producer of raw cotton in the world, sold but $300.000 worth.

One can not read a daily paper without seeing various items which indicate that England has her finger in every business pie in all corners of the world.

Further, nothing in the league of nations prevents—in fact, it encourages—the right of England and Japan to prefer each other in their respective colonies and thus automatically to discriminate against the products of the United States.

Nothing in the league regulates or prevents shipping arrangements to be carried so far as to create lower rates for Japanese and British shipping than for United States commerce.

ANOTHER BLOW TO AMERICAN TRADE.

In June, 1916, there was held at Paris an "economic alliance" of the Entente Powers, which, while the purposes were disguised, was actually designed to substitute a system of trade preferences for the most-favored-nation relation upon which the commercial intercourse of Europe and America rested before the war.

It was openly stated at this Paris conference that this would operate against the competition of the United States, and carry its commerce below normal equity in world commerce.

The feeling of the British shipping interest toward the United States was expressed in the following quotation under date of August 10, 1916, from Fairplay, the leading journal devoted to shipping finance in England:

"America so far has evaded the fight, but she is bound to recognize two things (apart from the fact that we are not out to be beaten): Firstly, that the nations who win this war, whether they be the Allies or the Central Powers, will not be in a temper to stand any nonsense from any neutrals; that the winning combatant countries will represent the main armed forces of the world, and that no one else will be in the running. Secondly, America will appreciate that the Allies, pace Mr. Asquith, do intend, where it pays them to do so, to put up a tariff wall between themselves and neutrals. They mean to restore themselves and to become self-supporting—at some expense it may be while the operation lasts, but certainly not for the benefit of neutrals. And if this be so, then America has perhaps a somewhat awkwardly restricted market. She has already experienced the pleasure of a Chinese boycott, but at the close of the war she will be facing as a competitor a Japan which economically, financially, and by treaty is a vastly different proposition from the Nation which could be openly flouted over California issues a few years back."

WRITTEN AFTER SECRET PACT WITH JAPAN.

The fact that this friendly comment was written shortly after the secret treaty between Japan and England was made is so significant that comment is not necessary.

In January, 1917, at the very time when Balfour and Vivioni were in the United States pleading with President Wilson for American intervention, a great convention was being held at Pittsburgh by the United States National

Foreign Trade Council, at which 1,000 delegates from the largest business concerns in the United States were protesting agninst the action of the Paris Alliance and devising methods to avert its threatened consequences.

It is believed by many that the growth in United States exports during the war is a healthy indication of progress and that we are on a firm foreign-trade basis. It is, in fact, quite the contrary, because this increase has been brought about almost wholly by the export of war needs, which substantially ceased with the war. Our trade balance during the war on a peace basis went steadily downward. We gained money during the last five years in our foreign trade, but not business.

Nothing practical has been done by the United States Government to stabilize our foreign commerce, and the league of nations threatens it with paralysis.

A most important but little considered factor in British plans is its control of the mechanics of news distribution. Through this power it could and did during the war refuse to neutral nations the right to communicate with each other on their strictly neutral business and personal matters. Before the war merchants in the United States complained repeatedly of interference with their mail and cables.

SO-CALLED "LIBERTY" MEANINGLESS.

While the world is compelled to get the consent of any one notion to sail the seas or freely to communicate with each other, the liberty for which the war was won is a meaningless word. Under date of August 8, 1919, the United States Foreign Trade Council announces the appointment of a committee to take up the matter of American systems of cables and wireless. Present conditions are described as "intolerable."

Any nation that, in addition to control of the seas (which Great Britain has under the league) can dominate the world's food supply of the earth, is double master of the world's destiny. In 1912 James J. Hill called attention to the progressive diminution in food production of the United States, and looking ahead not for a year, but a generation, there is no question but that the United States and Canada are fast getting in a position where they will not be much more than able to feed themselves. The same conditions apply in South America and Australia. If the peace treaty and league are approved, England, which can not produce within its own island boundaries food enough to supply it for more than two months in the year, is in control of the future food supply of the world.

When the attempt was made by Cecil Rhodes to reduce the Boer Republic to vassalage to Great Britain, afterwards successful, after one of the most iniquitous wars in the world's history, he openly declared it his ultimate purpose to paint the map of the world red, and as the first step to run a railroad line from Cairo to the cape.

The treaty of peace has actually painted Africa red, and it is important for us in this country to know that in Africa there has been turned over to England one of the largest potential food areas left in the world, and American assistance is also being exerted to place Siberia, the second largest potential unused food-supply area in the world under the control of Great Britain.

WHEN BRITISH ATTITUDE WILL CHANGE.

A Great Britain freed from dependence on the food supply of the United States will be a vastly different nation to deal with than a Great Britain which would starve without us.

Since the war the United States has become the creditor nation of the world. If we gauge correctly the sentiment of the people of this country we are safe in assuming that the tremendous debts due the United States by the rest of the world will not be used as a source of exploitation, coercion, or oppression, but since we are in the dominant financial position by virtue of our national resources, there is no reason why we shall permit injustice to be done the people of our country by allowing British financial manipulation to neutralize this situation adversely to our national interest.

England has a floating debt of twenty-seven billions, eight and a half of which comes due this year. There is a balance in favor of the United States of more than four billions. On the ordinary basis of business England is to-day bankrupt, with internal, economic conditions making it worse.

There are signs and portents of a secret campaign now beginning, which has for its object the purpose of repudiating not only the interest, but the principal, of the United States war loans. It may be that something of this nature must be agreed to by the United States to save the world, but whatever action is taken must not be to restore England's lost financial leadership, but equally to sustain the credit and economic security of all nations alike. Only a rigid inquiry by the Congress into these questions, and especially as to the process by which the exchange value of the pound sterling is being maintained at what many believe to be an artificial ratio, at the expense of the United States, will enable the people to deal fairly with debtor-nations, and in the real spirit of world peace determine the problems and responsibilities of the position of the United States as a creditor for the world.

MAY CLOSE FAR EASTERN "OPEN DOOR."

Aside from the humiliating betrayal of China, our best friend and most powerful potential partner among the nations, in its sacrifice to the commercial ambition of England's ally and secret partner, Japan, the people of the United States are vitally concerned in the control of the "Key to the Orient" by Japan and England. Hong Kong, the other important entrance to China, is also in control of Great Britain, whose joint control with Japan of Kiaochow will mean the abandonment of the policy of the "open door" established as a result of American diplomacy. It will give monopoly to the two principal competitors of the United States to a market of a half billion people. While the principal opposition to the Shantung pact is based on our betrayal of a friend, he commercial consequences to America of approving any league which shuts it out of the "open door" to the Orient merits serious consideration.

Other items might be added to this protest. The tremendous expansion during the war of the United States merchant marine, on an oil burning basis, frees this country from the dependence on English coaling bases throughout the world, which have been the principal sources of her sea strength. The change of motor power from coal to oil would have given opportunity, under real "freedom of the seas," for the United States to compete on a basis of equality. British control of the oil fuel fields in Russia, China and Mexico should be denied and these localities made free for themselves and the world.

These considerations are presented in the belief that they are American issues vitally connected with the discussion regarding the league of nations, which, as proposed, settles every one of them adversely to the United States.

If America is true to herself in this crisis, the decision of the United States Senate will transform and purify the politics, policies, and business practices of the whole world.

THE CASE FOR GREECE.

The CHAIRMAN. We will hear the case of the Greeks at this time, whom we appointed to hear this morning. The hearing was unavoidably postponed and we will give them one hour, which is as much time as we can devote to their hearing, inasmuch as we have to finish this other hearing subsequently.

STATEMENT OF MR. WILLIAM S. FELTON.

The CHAIRMAN. Mr. Felton, you reside in Salem, Mass.?

Mr. FELTON. Yes.

Senator KNOX. Were you at the Paris conference?

Mr. FELTON. I appear as president of the National Congress of the Friends of Greece. Mr. Chairman and gentlemen of the committee, a convention was held last week in Washington comprising 350 delegates from all over the country, representing 75 cities and towns. They gathered in Washington to express their views, and to bring those views upon the question of the disposition of Thrace to the President and to the Senate of the United States. There are approximately 500,000 Americans of Greek origin and descent in this country, of whom 60 per cent are American citizens.

Interested in this convention and represented by what might be called non-Grecian delegates are a very large number of liberty-loving Americans, who sent delegates from their number to join with the Grecian-American delegates. This convention left behind, authorized to represent it upon this occasion, a committee of four gentlemen, of which the chairman is Prof. George M. Bolling, professor Greek language and literature at the State University of Ohio, at Columbus. Prof. Bolling has also been professor of comparative philology and Sanscrit, and has contributed upon these subjects a number of well-known technical articles and works. Mr. N. J. Cassavetes, director of the Pan Epirotic Union, organized by Americans of northern Epirotic origin, its purpose being to bring to the attention of the American people the desire of the Christian northern Epirotic populations for union with Greece. Mr. Cassavetes is the chairman of the advisory committee of the Massachusetts organization on Americanization. The third member of the committee is Mr. Constantine C. Moustakis, of Salem, Mass., chairman of the educational committee for Greek immigration in Massachusetts. The fourth member of the committee is Paul Demos, a lawyer of Chicago, a member of the faculty and board of administration of the Chicago Law School, president of the American Association of the Greek Community of Chicago, and now chairman of the Greek branch of the Americanization committee in Chicago, formerly secretary of the Chicago Liberty loan committee, foreign language division.

Before presenting Prof. Bolling, Mr. Chairman, I desire to read a brief letter, which I think will make its own appeal. It is from a Greek girl in the city of New York and reads as follows:

AUGUST 24, 1919.

HON. WILLIAM S. FELTON,
Chairman Delegation of the Committee of the Friends of Greece,
Washington, D. C.

HONORABLE SIR: I am a poor little Greek girl, 16 years old. I have given to United States all I had.

My dear brother, Dannis Malfredas, before he volunteered in the Army, he was with me in New York. He went to France and he died there for liberty. He died in France; he never came back to me. He left me in New York all alone. He died for liberty, justice, and democracy.

Please tell the Americans, tell the American women, tell the American girls that lost their brothers like myself to help you, to speak to our President to give Greece her rights. Please tell them to help the Greek girls and women get their freedom from the Bulgarians and Turks.

I wish I was a man to come and speak to the President myself. The Greeks and the Greek women of Thrace they prefer to die but not to go under the Bulgarians.

From a little girl that lost her brother in the war for liberty.

EUGINIA MALFREDA,
New York, N. Y.

Mr. Chairman, I now have the pleasure of presenting Prof. Bolling, who will conduct the hearing from this point.

STATEMENT OF PROF. GEORGE M. BOLLING.

Prof. BOLLING. Mr. Chairman and gentlemen of the committee, Mr. Felton has just read to you a very touching appeal, and he has spoken of the congress that has sent us, and of what it represents directly. I should like to emphasize, first of all, that it represents also, among others, Americans. Their number it is impossible to compute, but I have in mind all those who recognize the indebtedness of the modern world to ancient Greece, who admire and love the heroic spirit of self-sacrifice with which the Greeks have thrown themselves into our great struggle for liberty and who believe that Greece, under the leadership of Eleutherios Venizelos, is pursuing a policy characterized by wisdom and moderation and conducive to the peace and happiness of the world.

But, Mr. Chairman, we are here above all as Americans. Our friendship for Greece has given us knowledge of certain facts, has enabled us to gain certain points of view which are not accessible to all of our fellow citizens. We desire now to serve America by presenting to you this knowledge and these points of view, believing that you will find them of value in the consideration you are about to give to our treaties with the Allies of the Central Powers, Bulgaria and Turkey.

The question on which all hinges is the disposition to be made of Thrace, and, with your permission, we shall confine ourselves to that question.

To define sharply the conclusion at which we have arrived, I shall quote the pertinent paragraph in the resolution introduced by Senator King on August 13 and referred to your committee:

Resolved, That it is the sense of the Senate that in the treaties of peace with Bulgaria and with Turkey western or Bulgarian Thrace, including Adrianople,

to the line from Enos, on the Ægean Sea, to Midia, on the Black Sea, should be awarded to Greese, proper facilities for Bulgarian commerce to be reserved at Salonki, Ravalla, and Deleagatsh.

The solution there proposed is in substantial agreement with the request of Greece as presented by Mr. Venizelos. In the peace conference it is indorsed by the delegates of Great Britain, of France, of Italy, and of Japan. It had the support, we are told, of the first experts attached to our delegation in Paris. But the latest report is that our new experts have reached other conclusions, so that our delegates to the conference are now urging, in opposition to all of our Allies, a very different settlement of the question; and one, too, which is open to the gravest objections.

We ask, Mr. Chairman, that you, your committee, and the Senate use all the powers intrusted to you by the Constitution to secure such treaties with Bulgaria and Turkey as shall conform to the spirit and substance of Senator King's resolution.

The CHAIRMAN. Do I understand you to say—and I know that you are informed on the subject—that our delegates array themselves as against giving Thrace to Greece?

Prof. BOLLING. That, we understand, is the only hitch to the solution of the question.

Senator KNOX. I think that is correct. That is the way I understood it.

The CHAIRMAN. I want to have it appear clearly in the record.

Senator BRANDEGEE. It was in the newspapers the other day that Assistant Secretary Polk had arrived at a compromise of the question. Do you know whether that is true or not?

Prof. BOLLING. Are you referring to the article published a week ago in the New York Times?

Senator BRANDEGEE. I think it was about that time; yes; in which compromise one-third of Thrace was to be given to Greece.

Prof. BOLLING. We have no direct information on the subject. We have no official connection with anybody. We have only the sources of information that are open to American citizens, but we do not believe that such a plan as outlined by Mr. Polk would ever gain the firm support of Venizelos.

The first question involved is a question of fact—the character of the population of Thrace. While we are not, of course, basing our request upon historical considerations, we nevertheless believe that an understanding of the way in which the present distribution of this population was brought about will help to carry conviction.

A little more than 1,000 years B. C., the inhabitants of the Balkans could have been classified on the basis of language into three well-defined groups. The trunk of the peninsula was divided between the Illyrians on the west and the Thracians on the east, while its southern extension was in the hands of the Greeks. All three were members of the Aryan family of languages and all were, relatively speaking, newcomers in this part of the world. Two of these languages have passed away without leaving any but the most insignificant traces; for of Illyrian and Thracian, practically nothing is left save a few names of persons and localities. The future was in the possession of the third group—of the Greeks. They were distinguished, among many other things, by a genius for colonization—for an ability to go among other peoples and not only govern, but

assimilate them—that is, make Greeks of them in language, ideals, and feelings. They flowed across the islands of the Ægean, first to the shores of Asia Minor.

Then the tide turned toward the northern coast of the Ægean through the Dardanelles, the Sea of Marmora into the Black Sea, reaching as far as Trebizond and the Crimea. The movement began in the eighth century B. C., lasted through the seventh, and on into the sixth century. The result, as far as it concerns us, is a fringe of Greek cities running around the coast from Salonica to Constantinople and beyond. These cities were then the outposts of civilization, but by the middle of the fifth century they were equal to any part of Greece in art, science, or general cultivation. How rapidly their influence worked upon the natives of the hinterland is unknown in detail; but prominent Athenian families like those of Miltiades and Thucydides were soon intermarrying with the Thracians and proud of the connection. There is some reason for believing that the frontier of Greek influence reached at this time a line drawn west from Midia. A century later Philip of Macedon founded Philippollis and other cities in the interior of the country and fought his way to the Black Sea at Varna, spreading Greek civilization as he went. A few years later Alexander completed his father's work, by carrying the frontier to the Danube. It is very significant that his fighting seems to have begun when he reached the Balkan range—the old boundary between Bulgaria proper and Eastern Rumelia. Apparently that was then the limit of the Grecian influence.

Under the Romans, the land remained Greek in language and civilization. Thrace being the last province (46) in this part of the world to be incorporated in their empire. The Latin language never gained south of the Danube a foothold comparable with that which it won beyond that river. That points to the presence in all Thrace of a more highly civilized people, of a Greek speaking population.

Coming to the retrogression of Hellenism in this territory, I need not trouble you with the raids of the Celts, of the Goths, of the Huns, and of the Avars. These marauding peoples came and went without permanent results. But there was another great migration, which I must mention—the coming of the Slav. Its effect is seen even to-day in the presence of the Slovenes, the Serbo-Croates, and the Bulgarians in the Balkan peninsula. The movement began from the north bank of the Danube, early in the sixth century of our era and lasted to the middle of the seventh century. It affected most of the Balkan peninsula profoundly—but the remarkable thing is the extent to which Thrace (in the modern sense of the word) escaped. The situation may be seen at a glance on the ethnological map published by L. Niederle (Slovanske Starozitnosti ii, 2, 1910, p. 296), showing the status in the seventh and eighth centuries.

The red circles on this map represent the Bulgars proper. Like the Huns and the Turks, they were a Tartar people from Asia. The modern Bulgarian is a cross between them and the Slav—a hybrid people with Tartar name, Slavic language, and mixed blood. Into the combination the Bulgar put what the Slav had lacked—initiative and organization. They established a kingdom in the region between the Danube and the Balkan mountains—the territory that is Bulgarian in the strictest sense of the word and was known as such from

1878 to 1885. It was a state with a checker career into which I shall not go. It dreamed fitfully of vast dominion. The dreams took shape at times and led the Bulgars to the walls of Constantinople and Salonica. But these cities were never destined to be theirs. The dreams vanished—the Bulgar could never establish himself upon the shores of the Aegean. His subjection in 1393 to the Turk put an end to such efforts. Bulgars then disappear from history until the year 1877.

Senator BRANDEGEE. What is the title of the red-backed volume containing the map to which you have referred?

Prof. BOLLING. Slovanske Starozitnosci, by Dr. L. Niederle, professor of Ceske at the University of Praze.

I have told this story at some length to lead up to the question: Must we expect to find in Thrace a Bulgarian population or a population that is part Turkish, part Greek? On the answer to that question the whole issue depends. For, as Americans, we believe that the most fundamental of all rights is the right of a people not merely to good government but to self government. That is something entitled to precedence over considerations of policy and over economic desires.

Who, then, make up the population of Thrace? The most reliable statistics available are those of the Turkish Government for 1912, which have been used both by Venizlos (Greece before the peace congress of 1919, appendix 2) and Prof. Sotariades (an ethnological map illustrating Hellenism in the Balkan Peninsula and Asia Minor, London, 1918). These figures come from an ally of Bulgaria, and yet they show that in the whole of Thrace there are 957,000 Turks, 730,000 Greeks, 112,000 Bulgarians, 183,000 Armenians, 65,000 Jews, and 151,000 inhabitants of other nationalities.

The Turks are thus the most numerous element in the population. But there is one thing on which all parties are agreed. Four and one-half centuries of misrule, tyranny, and oppression on the part of the Turks have rendered it impossible to plan for any continuance of Turkish Government in Europe. The Turks must either leave Thrace or accept the government of some other people. Their destiny is clear. Of the remaining element the Greeks have a large plurality, and in particular they outnumber the Bulgarians—the only others to be considered seriously—in the proportion of 7 to 1.

Now, Mr. Chairman, it is possible to bring an objection to the form of this presentation of the case. I wish to consider it in order to show that the vital issue remains unaffected. It may be said that Mr. Venizelos is asking only for a part of Thrace and that our statistics should refer only to that part. I recognize the force of such an objection and will attempt to present such statistics. They can not be given with absolute exactness, because the figures are based on the old administrative district and the new lines cut across them. The inexactness, however, shall not be permitted to work to our advantage. I subtract, therefore, the vilayet of Constantinople and the Sandjaks of Rodosto and Gallipoli, which lie in the main beyond the Enos-Midia line, with a population of 489,000 Greeks and 9,000 Bulgars. I subtract also four northern Sandjaks—Achi-Tchelembi, Kirdjali, Mustapha-Pasha, Tyrnovo—not claimed by Mr. Venizelos, because they contain only 9,000 Greeks to 35,000 Bulgarians.

The result is 232,000 Greeks as against 68,000 Bulgarians, or a proportion of over 3 to 1—certainly a sufficient preponderance on which to base a valid claim. It is to be noted also that the other nationalities (except the Turks, 348,000) have practically disappered, there being but 5,000 Armenians and 13,000 Jews. In the territory claimed, the Greeks are thus much more than double, the Bulgars, Armenians, and Jews taken together.

Senator KNOX. Do you mean to say that the Greeks are willing to give up the territory when the population is so disproportionate?

Prof. BOLLING. That is the offer, for the nationalization of everything beyond, and concessions so liberal surely entitle them to favorable consideration when they present other claims.

To attempt a similar calculation for the various divisions said to be proposed by Mr. Polk for the partition of Thrace is impossible. The details of his plan are reported too indefinitely and his lines seem to conflict more seriously with the administrative districts. You can form a better judgment by consulting an ethnological map.

In this connection, I wish to call your attention to the character of the authors of the maps which support our contention. I have already cited the map of Soteriades. He is a professor of history at the University of Athens. His map is based upon these figures and so adds nothing more to our claim. But there is the map published by Herman Hirt (Die Indo-Germanen, Strassburg, 1905–1907, map 2). It is on a small scale, but clearly corroborates our position. Prof. Hirt is the leading authority of the world upon the question of the original home of the Aryans and their dispersion through Europe and Asia. No scholar's opinion is entitled to greater weight. His work has been largely with the Slavic languages—that fact, his German nationality, the date of his book, all combine to free him from any suspicion of prejudice in the case. Then there is the map facing page 20 in the Balkans, Oxford, 1915, written by four English scholars, Nevill Forbes, Arnold T. Toynbee, D. Mitrany, D. G. Hogarth, at a time when it was hoped that Bulgaria could be won to the side of our allies. Of these, Toynbee and Hogarth are eminent names in the field of classical scholarship. Another excellent map is to be found in the Rise of Nationality in the Balkans, by R. W. Seton-Watson, lecturer in East European history, King's College, University London, London, 1917.

The CHAIRMAN. Mr. Toynbee is one of the great classical scholars.

Prof BOLLING. Yes; and Mr. Hogarth, as you will remember, is the great explorer at Ephesus.

Then we have a book with quite a remarkable map by Amadore-Vergilj, entitled La Questione Rumeliota e la Politica Italiana. The map is ethnological, but it shows the distribution of Greek and Bulgarian schools and churches. I would be glad if the Senators would look at it, because it proves not only the population but it shows also that the Greeks are better educated, more interested in education, as well as more numerous than the Bulgars.

Senator Swanson, does that answer your question?

Permit me to call the attention of the committee to the character of the maps. We know that there are others that show a different result—a Bulgarian population where a Bulgarian corridor was wanted. Soteriades mentions one such "issued under the auspices

of the Daily Telegraph by the firm of Geographia (Ltd.)." I have not been able to consult it. Another was published by Leon Dominian; a third appeared in the National Geographic Magazine for December, 1918. Of the last two, one was by a graduate, the other by a former professor of Roberts College. Is there any significance in this fact?

Senator BRANDEGEE. Can you state briefly what conclusions you draw from the study and consideration of the maps and the volumes upon which you rely, what deductions you draw?

Prof. BOLLING. That the population of the part of Thrace in question is overwhelmingly Greek as compared with Bulgarian.

Senator SWANSON. How is it as compared to the aggregate population?

Prof. BOLLING. The Turks, as I said a few moments ago, have a plurality over the Greeks, a substantial plurality.

Senator SWANSON. What is that substantial plurality?

Prof. BOLLING. In the whole of Thrace there are 957,000 Turks and 730,000 Greeks. In this particular part of Thrace there are 232,000 Greeks. I do not recall at the moment but I think it is 348,000 Turks.

Senator MOSES. When you say Turks, you mean Mohammedans?

Prof. BOLLING. Very largely. I mean people who feel that their national consciousness is Turkish.

Senator MOSES. Many of them are not of Ottoman blood?

Prof. BOLLING. Many of them are not of Ottoman blood.

I will not trouble you with the citation of authorities, nor with the statement of what we could prove by the testimony of American citizens familiar with Thrace and with the nationality and sentiments of its population. Our opponents seem, indeed, to be inclined to shift their position. Our statistics, they say, are right for 1912, and our maps, also. But the Bulgars have held the country since 1913—their troops have been there during the war—and the ethnology of the country, they tell us, has changed. We should, they urge, recognize the changed condition. In plain language, Mr. Chairman, that means we should reward murder and frightfulness. Such an argument needs no answer.

To sum up, Mr. Chairman, our view of the situation is based upon the principle of a people's right to self-determination.

In the part of Thrace asked for by Mr. Venizelos there are more than three Greeks to every Bulgar. They represent a population which has held to this land for over 2,500 years in spite of indescribable cruelty and oppression. They desire ardently to govern themselves by uniting again with the land from which their fathers came. It seems to us, as Americans, a plain duty to place no obstacle in the way of this desire.

Mr. Cassavetes will now explain to you the plans suggested for the thwarting of this desire, the reasons urged in their support, and our reasons for finding them unsatisfactory.

I thank you most sincerely for your attention.

Senator BRANDEGEE. Before you leave the stand, will you allow me to ask one question. You alluded in one portion of your remarks to the books published by a professor—one by a professor, and the other by a graduate of Roberts College, and made some suggestions about that college. That college comes out in a good many of our

hearings on these matters. What is its position there? Does it wield any influence in its vicinity on political questions, or the determination of any such matters as we have been discussing?

Prof. BOLLING. Senator, if you will recall in the article in the New York Times to which you allude, it was claimed there that it was Roberts College that was responsible for this new plan, and at the same time it reminded us that it was Roberts College that kept us out of the war with Bulgaria, and with Turkey. I have no personal information with regard to Roberts College. Some of the members of the committee may be able to inform you more definitely.

Senator BRANDEGEE. I remember at the time the committee was considering the wisdom of the declaration of war against Turkey, and Bulgaria, that several clergymen appeared before the committee protesting against it, and that they were interested in Roberts College. That was one of the reasons I asked the question.

Prof. BOLLING. We see statements such as were made in the New York Times, which I have quoted, and I ask you gentlemen whether it is not a strange coincidence that two maps giving a pro-Bulgarian view of the situation should be that connected with Roberts College?

Senator MOSES. Did you at any time in the course of your statement, before I came in, discuss the commercial question to show that the outlets to the Agean, which the Bulgars desire, are not necessary to their development?

Prof. BOLLING. No; I have left that to the others who will follow.

Senator BRANDEGEE. I do not know that it is germane to the subject, but for my own information, which is meager on this subject, you spoke of the Bulgarians as being a cross between two nations?

Prof. BOLLING. Slavs and Bulgars.

Senator BRANDEGEE. What is the origin of the Slavs?

Prof. BOLLING. The Slavs are one of the Indo-European people.

Senator BRANDEGEE. Are the Slavs Tartars?

Prof. BOLLING. No, sir. The earlier homes of the Slavs would be along the middle and the upper courses of the Dneiper, and going back joining with the Lithuanians, and then closely with the Germans.

Senator BRANDEGEE. Are the Tartars Mongolians?

Prof. BOLLING. That is not an anthropological but a linguistic term, but I believe that is correct.

I thank you for your attention.

STATEMENT OF MR. N. J. CASSAVETES.

Mr. CASSAVETES. Mr. Chairman and gentlemen of the committee, I have the honor, together with my distinguished colleague, Prof. Bolling, to present to you the sentiments of half a million Americans of Greek descent. As an American of Greek descent, I desire to emphasize the fact that we have come before the Senate Foreign Relations Committee only as American citizens to plead the case of an allied and friendly nation which looks for justice at the hands of America. Whatever the decision of our Government in the case of Thrace, we wish to assure you, Mr. Chairman, that it will in no way affect the loyalty of the American citizens of Greek descent to this country, nor in any way interfere with the faithful discharge of their duties to their adopted country.

My distinguished colleague has, I believe, established beyond doubt the fact that the numerical, cultural, and economic superiority of the Greeks in Thrace is in the proportion of 7 to 1 in favor of the Greek element. This fact alone should be sufficient to induce our country to decide in favor of Greece in the question of Thrace. Unfortunately, we understand from the reports which come to us from Paris that our American delegation, while admitting the numerical superiority of the Greek element in Thrace, is not prepared to allow Thrace to be united with the mother country Greece. What imperative reasons are forcing themselves upon our delegates at Paris to disregard the principle of nationality in favor of the ally of our enemies and at the expense of one of our faithful Allies? Mr. Chairman, permit me to trace on the map the latest plan submitted by our American delegation at Paris in connection with the solution of the question of Thrace. According to this plan, the entire Province of Thrace is divided into two parts, eastern and western Thrace, separated by the river Hebrus or Maritza. Eastern Thrace is further divided into two parts by a line running from the Gulf of Saros to the town of Midia on the Black Sea.

That portion lying to the east of this line is to become international with Constantinople; the other part is to be given to Greece. Western Thrace is divided into three part, as follows: The territory included between the old Greek frontier on the Ægean Sea and the town of Maronia between a line running north of this town to a distance halfway between the sea and the old Bulgarian frontier and between a line from this central point to the old Greek frontier is given to Greece. The portion included between the Maritza River and the Greek portion of Western Thrace is internationalized and the rest of Western Thrace is given to Bulgaria. The most important objection to this plan is, of course, the violation of the principle of nationality and that of the economic unity of the Province of Thrace. No less serious an objection is the fact that the portion of Eastern Thrace given to Greece is absolutely disconnected from Greece proper, remains suspended in the air, without harbors on the Black Sea or on the Ægean, a temptation, inviting Bulgarian aggression, with Greece absolutely incapable of rendering military assistance in case Bulgaria should decide to invade the territory. What are the reasons adduced by the American delegation at Paris in justification of this plan? In the first place, it is contended that Bulgaria needs an economic outlet on the Ægean. Secondly, it is argued that unless Bulgaria has a guaranty of a free access to the Ægean Sea, she will not cease from plotting and preparing for a Balkan war. Thirdly, it is argued that the American delegation is forced to oppose Greek claims to Thrace, in order to discourage the desire of the Great Powers for splitting Bulgaria between Roumania and Serbia. We shall take up these arguments one by one.

Bulgaria has no economic need of an outlet to the Aegean. Bulgaria, a nation of four million and a half, has two excellent ports on the Black Sea—Varna and Bourgas. Roumania, a nation of 15,000,000, has only one port on the same sea—Constanza. With the internationalization of Constantinople and the Dardanelles, Bulgaria can not be said to be barred from an access to the Aegean. The only port included in the international strip of Thrace is the port of the De-de Agach. This port is absolutely unavailable for commercial

purposes. The De-de Agach is only an open roadstead, which will take millions of dollars to render available for commercial purposes. Bulgaria has held that port since 1913, and she not only has not seriously attempted to use this port for commercial purposes, but she has not passed any legislation providing for future improvement of this port for commercial purposes. She has, however, provided the De-de Agach with a very small railroad line, which was meant to feed the submarines. Nor is it possible to believe that with the internationalization of this port Bulgaria will avail itself of it. No Bulgarian government would be willing to make financial appropriations for the improvement of this port, which will not be in the possession of Bulgaria. The eastern portion of Bulgaria, in which the two great ports, Varna and Bourgas, lie, is the commercial and industrial part of Bulgaria, and it so happens that it wields a preponderant influence in the politics of the country. It is impossible to believe that this preponderant influence will permit an appropriation in favor of improving the port of the De-de Agach, which is not Bulgarian and which will mean the death of the ports of Varna and Bourgas and the transference of the commercial and industrial center of Bulgaria from that portion of the country to the internationalized strip of Thrace. It becomes evident, then, that by internationalizing a portion of western Thrace, Bulgaria's economic necessity, if there be any, can not be satisfied.

We now come to the second argument, namely, the fear that unless we give a guarantee to Bulgaria of a free access to the Agean Sea she will agitate for war in the Balkans. This argument may be considered from two points of view. It is either an American concession to a threat on the part of Bulgaria, or a fear on the part of the American delegates and an attempt to placate Bulgaria. If it is an admission of threat on the part of Bulgaria, the American delegation by yielding to this threat is clearly admitting that there is no moral force behind the forces of the Allies to enforce justice. If it is merely a fear and an attempt to placate the Bulgarians, the American delegation shows that it ignores the lessons of the events which have transpired since 1913, and also, it seems to ignore the dreams and ambitions of Bulgaria. In 1912 Mr. Venizelos, in the hopes of establishing the Balkan league, and in full realization of the fact that Bulgaria would not consent to become a member of that league without serious concessions on the part of Greece, offered Bulgaria not only the whole of Western Thrace and a very large portion of Eastern Thrace, but also the largest portion of eastern Macedonia at a small distance from Salonica. Was Bulgaria satisfied? In the summer of 1913 she treacherously attacked both Greece and Serbia, in the hopes of seizing Salonica and Monastir, and in the hopes of reaching the Adriatic Sea. The Bulgarian armies were completely crushed. At the treaty of Bucharest Mr. Venizelos was disillusioned as to the possibility of pacifying Bulgaria with any concessions lesser than the entire Balkan peninsula. This time he refused to repeat the error of 1912, and insisted upon occupying Thrace, but Russia and Austria-Hungary, each vieing with the other for the friendship of Bulgaria as a military power in the Balkans, imposed upon Mr. Venizelos the necessity of yielding Thrace to Bulgaria. Was Bulgaria placated? Immediately upon the occupation of Thrace the Bulgarian authorities

initiated the most cruel persecutions against the Greek element, and in 1914 Bulgaria concluded a treaty of alliance with Austria-Hungary, Germany, and Turkey.

In 1915 France and England insisted that Mr. Venizelos should make concessions to Bulgaria in Eastern Macedonia, in order that she might be detached from the Central Powers. Mr. Venizelos, while completely convinced that Bulgaria was already determined to throw her weight on the side of the Central Powers in the expectation of annihilating Serbia, of crushing Roumania, and of driving Greece to the old boundaries of 1912, yielded to the demands of the allied powers and offered Bulgaria the port of Kavala. We read in the Echo de Bulgaria of January 1, 1916, the following editorial, republished in the Berliner Tageblatt January 3, 1916:

These three instances in the course of six years show beyond doubt the ambitions of Bulgaria in the Balkans; that infinitely greater concessions have been made to Bulgaria by Mr. Venizelos and have proved futile, and that the thought of the American delegates that Bulgaria would be satisfied and placated with the internationalization of a strip of Thracian territory is undeniably erroneous.

In closing the reply to the second contention of our delegates we should not fail to understand that an international strip of territory, far from succeeding in placating Bulgaria, will only expose the eastern Thracian portion which will be given to Greece to constant dangers from Bulgaria and will encourage Bulgaria to watch for an opportune moment to invade this international strip. The unfortunate events that took place between 1900 and 1906 in Macedonia under the very eyes of the European commission of control will inevitably be repeated in this international strip of Thrace.

The Bulgarians will subsidize immigration into western Thrace, and the Greeks, in order to counteract this movement for the alteration of a national character, will do the same in their turn. Friction will be inevitable; revolutionary and guerilla warfare will take place in the international territory, in which the Greek element will side with the Greek revolutionists and the imported Bulgarians with the Bulgarian comitadgis. War will thus be inevitable. We have so far proved that the plan of internationalizing a part of western Thrace, far from creating conditions which will foster permanent peace, creates the causes for inevitable wars. Bulgaria will not be satisfied, no matter what concessions the peace conference is disposed to make. The only plan which can be a guaranty of a permanent peace in the Balkans is the plan originally suggested by Mr. Venizelos and subscribed to at first by the American delegation at Paris. That plan is, as indicated on this map, that Greece should occupy those portions of Thrace west of the Saros-Midia line to such points in the north as are preponderantly Greek, leaving the district of Moustapha-Pacha and of Tirlove to Bulgaria, because here the Bulgarian element is numerically superior to the Greek. This plan is a guaranty for peace in the Balkans, because, in the first place, it is based on absolute justice. The Greek Nation will be completely satisfied, and the better elements of the Bulgarian Nation, which are not poisoned with imperialistic ideas, will be satisfied with this solution of the Thracian question.

In case Bulgaria should think of disturbing the peace of the Balkans, a strong Greece, with a united Thracian front, allied to Serbia

and to Roumania will be a convincing argument to the practical Bulgarians that it will not pay them to launch again upon the adventures of 1913 and 1915.

Finally, we come to the last argument, that the American delegation is forced to oppose the claims of Greece in order to discourage the desires of the allied powers of Europe for the complete extinction of Bulgaria. We believe that American diplomacy can protect Bulgarian integrity by other means more just and honorable. It is not necessary to do injustice to Greece in order to defend Bulgaria from foreign aggression. But if it is necessary that Greece should give the first example of self-sacrifice and self-denial to the other allied Balkan States, we may respectfully indicate that Mr. Venizelos has already gone to the limit of such sacrifices. The Greek people have dreamed for centuries for the reestablishment of Hellenism in Constantinople. That portion of Thrace which is to be internationalized and is to include Constantinople as its capital is Greek in history, in population, in commerce, and in culture, and yet the Greek people resign themselves to the abandonment of their claims upon the most cherished portion of the Thracian Province in order to satisfy the rivalries of the great powers and to contribute as much as is within their power to the establishment of a permanent peace. But Greece not only has made concessions in Thrace, but also has offered willingly half a million Greeks on the Black Sea to make possible the creation of an Armenian State. In view of such sacrifices we hardly believe justifiable the insistence of our delegates to force upon Greece the necessity of greater sacrifice, which may exasperate the Grecian people and alienate their friendship for America and for the allied powers.

In concluding, we wish to repeat that Bulgaria has no need of economic access to the Aegean; that the internationalization of a strip of Thrace is not only contrary to the principle of nationality, but will also create causes for future wars in the Balkans; it fails to placate Bulgaria and is certain to alienate the friendship of Greece, it encourages Bulgaria to hope for a possibility of invading eastern Thrace and the internationalized strip, and renders Greece absolutely incapable of meeting a Bulgarian aggression. In other words, it strengthens the enemy of yesterday, and the certain enemy of to-morrow by weakening our ally of yesterday, who of necessity must be our ally of to-morrow. Justice and sane policy dictate that Greece should have those portions of Thrace which are claimed by Mr. Venizelos. With Venizelos at the head of a strong Greece, we may be certain that Bulgaria can be pursuaded to throw off her imperialistic dreams and to recognize the community of interests between the Bulgarian and the Greek nations, the one being an agricultural country, the other a commercial and industrial one.

Prof. BOLLING. Mr. Cassavetes has finished his argument unless there is some question, which we will try to answer.

We feel that this is a simple matter of justice and have full confidence in the action that the Government will take.

The CHAIRMAN. The committee will stand adjourned until Tuesday morning at 10 o'clock.

(Whereupon, at 5.35 o'clock p. m., the committee adjourned until Tuesday, September 2, 1919, at 10 o'clock a. m.)

135546—19——60

MONDAY, SEPTEMBER 2, 1919.

UNITED STATES SENATE,
COMMITTEE OF FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to adjournment at 10 o'clock a. m., in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), Brandegee, Knox, New, Moses, Swanson, and Pomerene.

The CHAIRMAN. We will hear those who desire to speak in behalf of Hungary. Our time is very short. We can give you gentlemen only an hour, as we have another hearing set for this morning.

STATEMENT OF EUGENE PIVÁNY, NATIONAL SECRETARY OF THE HUNGARIAN-AMERICAN FEDERATION.

Mr. PIVÁNY. Mr. Chairman, and members of the Committee on Foreign Relations, before presenting our case to you on behalf of the Hungarian-American Federation, I wish to express our thanks for, and appreciation of, the spirit of fair play evinced by the willingness of your committee to have us testify before you in the case of Hungary.

We feel that in appearing before you we are performing a civic duty and are serving the best interests of our country as well as of mankind, for—

(1) We endeavor thereby to prevent the United States of America from becoming an active partner to the unwarranted, unjust and arbitrary disintegration and annihilation of a country that has existed in the territorial condition now to be disturbed for over a thousand years and had become a recognized factor of civilization;

(2) By placing at the disposal of your committee, the Senate of the United States, and the American people the true facts of the case, we endeavor to prevent that judgment be based on the one-sided, or unreal, or fabricated statements which have been spread broadcast by the claimants of Hungarian territory for several years past;

(3) The fate of what had been known until the armistice as Hungary is not a matter of indifference to the rest of the world, as might be inferred from the lack of interest in the subject shown by various factors of public opinion in this country. On the contrary, the very peace of Europe depends on it.

In order to add to the lucidity of our brief, we beg leave to give first a concise account of the treatment accorded to Hungary during the armistice, then present our data and arguments grouped as to (1) the historical; (2) the racial or ethnographic; (3) the religious; (4) the economic; and (5) the political or international aspects of the case, and, finally, state our conclusions.

On the night from October 30 to October 31, 1918, after much agitation lasting several months, a revolution broke out in Budapest, the Capital of Hungary, which put Count Michael Károlyi into power, demanded the immediate cessation of hostilities and the opening of negotiations for the conclusion of a just and lasting peace. Shortly afterward a republican form of government was adopted by the Hungarian National Council based on universal male and female suffrage, and Károlyi was elected temporary president. It was quite logical to have Károlyi head this movement, for Károlyi had been the leader of the party in the Hungarian Parliament opposed to the alliance with Germany, he had openly, and with considerable risk to his person, avowed his friendship for the Allies, and had been a radical democrat and pacifist.

It is now universally admitted that had the Allies not unnecessarily opposed, humiliated, deceived and driven into despair the decent and orderly Károlyi Government, not to speak of having given it some well-deserved encouragement, most of the chaos, bloodshed, and suffering still prevailing in Eastern Europe could have been avoided and Bolshevism would never have come to power in Hungary. (We refer, for instance, to Prof. Philip Marshall Brown's illuminating article in the magazine section of the New York Times for July 27, 1919. Prof. Brown had been one of our experts to the peace commission.)

On November 7, 1918, Count Michael Károlyi, with a staff of experts, went to Belgrade to conclude an armistice with the French general Franchet d'Esperey, commander of the allied forces in the East. The general treated Károlyi, the head of a noble nation, as no gentleman would think of treating a servant; he told him he held the fate of Hungary in the hollow of his hand and could destroy her by turning her neighbors loose on her (which he subsequently did); and replied to Károlyi's request to facilitate the importation of coal in order to keep the mills running with these historic words:

"What the h—l do you want coal for? A 100 years ago you used windmills. Why can not you get along with them now?"

The armistice dictated by Gen. Franchet imposed very heavy obligation of an economic kind on Hungary. A very considerable part of her military supplies, rolling stock, river boats, and live stock was to be handed over to the Allies. The Hungarian Army was to be reduced to five divisions of infantry and one division of cavalry. The territory south of the line of demarcation (which ran, roughly speaking, along the River Maros and continued southwestward on an artificial line across the Tisza and the Danube to the river Drave), viz., one-third of Hungary, was to be open to occupation by the allied or associated armies. The occupation was to be temporary, and the territorial questions were to be settled finally by the peace conference.

There was only one provision in the armistice not unfavorable to Hungary, and that was to the effect that the civil administration, even of the occupied territories, should remain in the hands of the Hungarian Government, thus assuring the continuance of the centralized system for the distribution of food, coal, and other necessaries of life. It is of importance to note that at that time Hungary had enough food to last until the next harvest; in fact, she had a little surplus which she was willing to give to Vienna or Prague in exchange of certain manufactures and coal.

Although the Hungarians have speedily fulfilled their obligations, this provision of the armistice has been violated by the Allies and their associates from the very first, which is the principal cause of all the famine, idleness, and anarchy in Hungary.

The western part of the territory laid open to occupation was invaded in November by the Serbian army, which was followed in the eastern part by the Rumanian army in December. The Rumanians were somewhat late, because at the conclusion of the armistice they had hardly any army worth speaking of. Their first soldiers arriving in Hungary were very badly equipped, many of them wearing straw hats in December and low moccasins instead of shoes or boots. But they were not bashful at all about helping themselves to the military stores in Hungary, and soon looked spick and span.

The first thing the occupying armies did was to annex the occupied territories, remove all the Hungarian officials who refused to take the oath of allegiance to the ruler of the invaders, denationalize the Hungarian schools, and discharge the Hungarian professors and teachers who could or would not teach in the language of the invaders. Exactly the same procedure was followed later by the Czechs, who, under the pretext of "occupying strategically important points," overran and formally annexed northern Hungary. Of course, all this was contrary not only to the law of nations, but also to the specific provisions of the armistice; nevertheless, the Allies approved of it and paid no attention to Károlyi's frantic notes of protest.

But the Roumanians were not satisfied with occupying and annexing those parts of Hungary which lie south of the line of demarcation. Having made sure of it that Hungary had disarmed herself, they transgressed the line of demarcation and gradually advanced to the river Tisza, getting what they styled the "imperium," or sovereignty, over all the coveted Hungarian territory except two counties in the south held by the Serbians. This disgraceful war on a disarmed country during a period of armistice is without a parallel in modern history; it was illegal, dishonorable, and cowardly. Yet the Allies approved of it, made Karolyi's position more and more untenable, and finally drove what was left of Hungary into the arms of Bolshevism, which could have been easily averted by the application of a little horse sense, not to speak of justice and humanity.

Two of the many authentic reports of incidents illustrative of the Roumanian idea of government and the rights of racial minorities are given here.

A few days after last Christmas an Hungarian captain walked with his wife on the main street of Kolozsvar, the capital of Transylvania, which is a purely Hungarian city, rich in historical associations dear to every Hungarian, and is, by the way, a good distance beyond the line of demarcation. A Roumanian patrol was passing by, and the lady observed to her husband in Hungarian that yesterday she had seen these same fellows, who were wearing new Hungarian uniforms and boots, in ragged clothes and worn-out moccasins, whereupon the soldier in charge of the patrol, who had overheard the remark, placed the captain and his wife under arrest and marched them off to headquarters. There the lady and her husband were stripped by soldiers, and 25 strokes of the birch were administered on their bare bodies.

This was reported with full names and other data to Prof. Coolidge, of Harvard University, who, as an expert attached to the American peace commission, spent a few days in Budapest in January last. It was further reported to him that the Serbians had also introduced flogging as a punishment in those regions of Hungary which were occupied by them.

The other incident is reported in a letter from a professor of the University of Kolozsvar to the editor of the London Nation and published among the editorials of that periodical on July 12, 1919. It reads:

> On May 10 the Roumanians, replying on military force, declared our university to be the property of the Roumanian State, and invited our professors to take the oath of fidelity to Roumania and its King. Relying on international law we unanimously refused to commit such an act of treason to the fatherland. Thereupon, 48 hours after the dispatch of their demand, our university was surrounded, during lesson time, by armed forces. The professors were expelled from their chairs, our laboratory equipment was seized, and nearly 2,500 students were dispersed by the immediate suspension of our university life. Furthermore, the assistant professors and staff were forced, on pain of immediate expulsion, to remain in their places and continue their clinical work under the control of their old students of Roumanian nationality.
>
> It is needless to add that all this is contrary to international law. It is enough to remind you that, according to the fundamental principles of international law, every military occupation previous to the conclusion of peace is merely temporary, and has no judicial consequences. Furthermore, article 75 of the Hague Convention expressly forbids any citizens of occupied territory from being invited or forced to take the oath of allegiance to the conquering power, while article 56 provides that the property of schools and scientific institutes, even if they belong to the State, must be considered to be private property.

The Czechs are reported to have acted in the same way toward the Universities of Pozsony and Kassa, two large, important and historically prominent Hungarian cities, in which the Slovaks form only an insignificant part of the population.

Károlyi was an extreme pacifist who was opposed to armed resistance, taking the ground that the occupation of Hungary was only temporary and the Allies would in the end right the wrong. Béla Kun thought differently and organized a "red" army—whether in excess of the six divisions allowed in the armistice or not, we do not know—with which he tried to regain some of the territory illegally taken away from Hungary during the armistice. He appears to have been successful against the Czechs, nevertheless ceased his attacks when so ordered by the Allies. When his government in Budapest was finally overthrown the "red" army collapsed, and the Roumanian army, standing on the eastern bank of the Tisza near Szolnok, viz., several hundred miles beyond the line of demarcation, crossed that river, marched on Budapest and even crossed the Danube into western Hungary. It was one of those easy Roumanian "conquests," for there was no armed force to resist them, and, as has been reported, they made most unscrupulous use of their opportunities.

This outrage incensed even the supreme council in Paris, which is perhaps beginning to see that the sport with disarmed Hungary had been carried too far. But Roumania, which at first was the ally of Austria-Hungary, then went over to the Allies, then made a separate peace with the Central Powers, and at the conclusion of the armistice was a humble supplicant before the Allies, snaps her fingers at them now that she has plenty of food and a large army in the field with nobody to oppose it.

There matters now stand. Hungary is still blockaded, she is cut off from all communication with the outside world, famine and idleness still continue in a naturally rich country, and whatever is left there the Roumanians are taking away by force.

In judging the case of Hungary care should be taken not to confound it with that of Austria. The Empire of Austria, which has never lawfully included the Kingdom of Hungary, came into existence only in 1804, and was a conglomeration of former kingdoms, principalities, and duchies, or parts of them, added by the Hapsburgs to the original Archduchies of Lower and Upper Austria through conquest, marriage, or fraud. Austria has never been a nation, has never had a language of her own, and is now being dissolved into her constituent parts, or into groups of such parts, which can hardly be objected to on historical grounds.

Hungary, on the other hand, has been a homegeneous country practically within her present boundaries for more than a millennium, has had a distinct language of her own, and can not be dissolved into her constituent parts, because she has no constituent parts, except Croatia which had been a separate crownland of Hungary with a high degree of national autonomy or home rule. This, however, did not satisfy the Croatians whose aspirations were for complete independence which was freely granted them by the recent Károlyi Government. Hungary prover (viz, Hungary without Croatia) can thus be only dismembered or partitioned even as Poland had been partitioned in the eighteenth century.

Reference to "the Maramouresh," "the Krishana" (this name is unintelligible to Hungarians), Transylvania, "the Banat," or "the Bachka" are apt to mislead the uninitiated into the belief that these terms denote separate provinces of Hungary, whereas these regions are integral parts of Hungary and, with the exception of the first and last named, which are two Hungarian counties, they form not even separate administrative units.

The basin of the middle Danube, encircled by the Carpathian Mountains, had been the tramping ground of a multitude of races—Celts, Teutons, Dacians, Goths, Slavs, Huns, Avars—during the great migration of nations. None of these races, not even the Roman, succeeded in establishing a permanent government in that region which nature itself has cut out to form one country. It was left to the Hungarians, or Magyars, who under their leader Árpád conquered that country toward the end of the ninth century, to rear there a solid fabric of government which has withstood all vicissitudes of fortune for a thousand years.

"The Hungarian constitution," to quote the words of the greatest English authority on Hungary, the Hon. C. M. Knatchbull-Hugessen, "which has been obscured at intervals, violated at times, and suspended for a period, only to prove its indestructibility, is the product of no charter or fundamental statute, but is the result of a slow process of development, of a combination of statute and customary law which finds its nearest parallel in Great Britain. It is remarkable that two such different races should have proceeded on such similar lines as the Anglo-Saxon and the Asiatic people, which, both as regards language and primitive institutions, introduced an entirely new element into Europe. The four blows with the sword directed at his coronation, to the four cardinal points, by every Hungarian

King down to Francis Joseph are an emblem and a recognition of the fact that the Magyar people has had to maintain itself by force of arms against the unceasing attacks of alien neighbors; and the fact that a few thousand wanderers from Asia were able to preserve their individuality and institutions in the midst of an ocean of Slavs, Germans, and Turks, and obtained comparatively quickly a position of equality with members of the European family, argues the possession of exceptional military and political qualities, of exceptional cohesiveness, of a stoical capacity for endurance, and of a rooted confidence in themselves and in their future which no vicissitudes of fortune have been able to destroy. The alien jargon first heard by European ears twelve hundred years ago has maintained its existence in spite of the competition of German and Slav dialects, of deliberate discouragement and temporary neglect, and has developed into a language which, for fullness and expressiveness, for the purpose of science as well as of poetry, is the equal if not the superior of the majority of European tongues."

St. Stephen (907–1038) was the first ruler of Hungary to be converted to Christianity, and, having to choose between Byzance and Rome, he wisely chose the latter, thereby saving his people from absorption by the Slavs and his country from sinking to the level of the Balkan States.

In 1222 the Hungarian Diet wrung from a weak king the Bulla Aurea, or Golden Bull, which—in close resemblance to the Magna Charta of England, which preceded it only by a few years—is a fundamental charter of Hungarian liberty and one of the proofs of the great political capacity of the Hungarian race.

After the extinction of the male line of the house of Árpád (1308) the country was ruled for 200 years by kings from various dynasties, among whom Louis, the Angevine, surnamed the Great, whose dominion extended from the Black Sea to the Baltic, and Matthias Corvinus, surnamed the Just, son of John Hunyady, the Turk-beater, were the most noteworthy.

The fight against the growing power of the Ottoman Empire had begun, and the lion's share of defending Christianity against the onslaught of Moslemism fell to Hungary. It retarded her own progress, but facilitated the development of civilization in the West of Europe. In 1526, after the fateful battle of Mohács, the country was divided into three parts, to be reunited only after the final expulsion of the Turks at the beginning of the Eighteenth century. One-third of the country fell under the sway of the Turks, Transylvania (southeastern Hungary) was ruled by Hungarian princes, and the rest was under the rule of the Hapsburgs.

Until 1867 the policy of the Hapsburgs had been twofold: To Germanize and Romanize Hungary, and, acting on their motto divide ut imperes, to play off one race against the other. In the latter they succeeded only too well, but their other efforts failed against the indomitable spirit of the Hungarians in defending their nationality and religious freedom. There is only one absorbent civilization in Hungary, the Hungarian, and, while more than one-half of the people belong to the Catholic Church, Hungary is still the easternmost bulwark of Protestantism. The uprisings in the Seventeenth and Eighteenth centuries, led by Bocskay, Bethlen, and Rákóczi, were made just as much in the defense of religious liberty as of national independence.

Senator BRANDEGEE. In your brief there is a map labeled "Map of Hungary."

Mr. PIVÁNY. Yes.

Senator BRANDEGEE. What does the central white part of it refer to?

Mr. PIVÁNY. That is the little part which it is proposed to leave to Hungary—only 20 per cent of the country.

Senator BRANDEGEE. That is what I supposed. It is not labeled on the map.

Mr. PIVÁNY. No. In 1848 the Hungarians rose again against the autocracy of the Hapsburgs, under the leadership of Louis Kossuth, the champion of European democracy. The interest of the American people in the gallant struggle of Hungary was so great that President Taylor, in June, 1849, sent a "special and confidential agent" to Hungary in the person of Ambrose Dudley Mann, of Virginia, who, however, arrived too late, for Russia, the greatest military power of the age, had intervened in favor of the Hapsburgs, with Great Britain and France looking on without a word of protest. (See Mann's report in Appendix A.)

In 1851 Kossuth, who had been freed from internment mainly through the efforts of Daniel Webster, was invited to the United States as the guest of the Nation, and met with an enthusiastic reception, to which only that given to Lafeyette may be compared. His tour of the United States failed in its principal object of securing American support for the next uprising of the Hungarians, and is now remarkable mainly for the fact that he was the first to advocate in America the very principles which President Wilson had been propounding, viz, the right of self-determination, a league of nations to protect it, the partaking of America in the affairs of the Old World, and the abolition of secret diplomacy as the root of all international intrigue.

In 1859 Kossuth arrived at an understanding with Cavour and Napoleon III to carry the Austro-Italian war into Hungary, whereupon the Hungarians would rise again to expel the Hapsburgs. But Napoleon, getting frightened by his own success, broke his word, and concluded the premature peace of Villa Franca, thereby shattering all hopes of the Hungarians.

Having been forsaken by the western powers three times, in 1849, 1852, and 1859, is it to be wondered at that Hungary finally consented to the compromise of 1867 with Austria and the Hapsburgs which restored—at least on paper—her constitution?

Hungary's unfortunate connection with the Hapburgs forced upon her by the attitude of the western powers and the threatening Russian peril, led inevitably to the alliance with Germany. That the Russian or Slavic peril to Hungary was not imaginary has been proved by recent events.

In the condemnation of Hungary for having entered the German alliance these facts must not be lost sight of. It should also not be forgotten that under the political arrangement between Austria and Hungary, known as dualism, Hungary had no control of her foreign policy and of her army.

Of the four claimants to Hungarian territory two, viz, Serbia and German Austria, have—as far as it is known to us—not based their claims on historical grounds.

The Bohemians, or Czechs, have made some allusion to the semi-mythical Moravian Empire of Svatpoluk, which is alleged to have extended over parts of northern Hungary and been disrupted by the incursion of the Hungarians in the ninth century. The Slovaks, it is alleged, are the descendants of Svatopluk's Moravians.

The Rumanians have advanced a more definite claim to priority of occupation in the theory of their descent from the Daco-Romans who had lived in Transylvania before the migration of the nations.

Both of these theories have been proved by historical reasearch to be false. But even if they were not false, the principle of priority of occupation has never been defined in the law of nations. How many years of occupation is required to establish a valid title to a country? One hundred years, or 500 years, or more? If occupation for a thousand years is not acknowledged to be a valid title to a country, then we may be called upon some day to relinquish our title to Texas, and California, and other parts of the United States in favor of Mexico, or Spain, or the Indians, and the whole map of Europe may have to be made over, too. And it is certainly the height of absurdity to go back for a title to a country to a period before the migration of the nations even if the continuity of the race dispossessed stamped their civilization on the whole country.

Senator BRANDEGEE. Is there a pretender or claimant to the Kingdom of Hungary?

Mr. PIVÁNY. No, sir; there is not. According to the Hungarian constitution, if the Hapsburgs become extinct, then the right of electing another king goes back to the nation.

Senator BRANDEGEE. There was a king of Hungary before Austria absorbed it, was there not?

Mr. PIVÁNY. Yes; there were native Hungarian kings up to 1526.

Senator BRANDEGEE. Is there any descendant of those who claims the right to be king?

Mr. PIVÁNY. No; they have all become extinct.

Now, coming to the racial or ethnographical aspect of the case, I do not wish to trouble the committee with figures. I beg, however, to refer the committee to the statistical table which is attached to the brief, and a glance at it will show these two things: First, that in all the regions which it is proposed to wrest from Hungary that particular race in whose favor that region is claimed is in the minority. That is the first. But the second fact is this, that by the proposed dismemberment of Hungary more than one-half of the Hungarian race, the principal race which is in a majority in the country at large, would get outside of the new Hungarian Government and would have to live under foreign governments. Now, to say that such a settlement is based on the self-determination of races or nations I claim is sheer humbug. It is impossible to call that the exercise of the right of self-determination, where the dominant race is being split into four or five parts and only the minority of that race is to remain under the old government.

Senator KNOX. If I understand this map here, this shaded portion represents Hungary as it was.

Mr. PIVÁNY. As it was without Croatia—Hungary proper.

Senator KNOX. Before they began to trifle with her anatomy.

Mr. PIVÁNY. Yes.

Senator BRANDEGEE. You say that this settlement in the case of Hungary is not based upon self-determination, and that the claim that it is is a humbug.

Mr. PIVÁNY. Yes.

Senator BRANDEGEE. Have you looked through the treaty as to other settlements?

Mr. PIVÁNY. The treaty has not been published yet.

Senator BRANDEGEE. Oh, yes; it has.

Senator KNOX. You mean the Austrian treaty?

Senator BRANDEGEE. No; the treaty of Versailles. Have you looked through the treaty of Versailles?

Mr. PIVÁNY. Yes; I believe in the treaty with Germany there is really a small limitation of Germany rights by the boundaries of the Central Powers which are to be settled.

Senator BRANDEGEE. But so far as you are able to judge, has the principle of self-determination been the rule adopted in the German peace treaty?

The CHAIRMAN. Do you mean the Austrian peace treaty?

Senator BRANDEGEE. No; the treaty of Versailles, the allied powers with Germany.

Mr. PIVÁNY. I believe as a whole it is because I want to point out this fact: Germany is going to be deprived of only 10 per cent of her continental territory, and that 10 per cent consists of recent conquests, or comparatively recent conquests, territories with overwhelming non-German population, while in Hungary they want to take away not 10 per cent but 80 per cent of the country, and all her territory has been in the possession of Hungary for a thousand years. Is Hungary, which played a subordinate part in the great world drama, to be punished eight times as severely as Germany, which was the leading actor and manager? Is there any justice in that settlement?

Senator BRANDEGEE. Do you think there is any justice in giving Shantung to Japan?

Mr. PIVÁNY. I do not believe so, Senator.

Senator BRANDEGEE. I was getting your idea of what self-determination is; that is all.

Mr. PIVÁNY. I believe, Senator, that self-determination can be exercised only through plebiscites. Now, all the claimants to Hungarian territory are strongly opposed to plebiscites. What does that mean? That means that they know the weakness of their own case.

Senator BRANDEGEE. You speak of the Magyars. What is the blood and stock of the Magyars?

Mr. PIVÁNY. It is a non-Aryan race. It belongs neither to the Teutonic nor the Latin nor the Slavonic root of races. There are four races and the Magyars, I should say, destined to form a buffer state between those three races.

Senator BRANDEGEE. I do not want their destination, but their origin.

Mr. PIVÁNY. Their origin is from a non-Aryan stock.

Senator BRANDEGEE. What are they; what stock? Are they an Indo-European race?

Mr. PIVÁNY. They belong to the Finn-agarian root of races. In Europe the Finns are their linguistic kindred.

Senator BRANDEGEE. Are they related to the Mongolian race, or Tartars?

Mr. PIVÁNY. I doubt it.

Senator BRANDEGEE. Or the Turkish?

Mr. PIVÁNY. To the Turkish they may be. The Turkish is the southern branch of that race of which the Hungarian is the northern branch of the big group of races.

Senator BRANDEGEE. Very good. I beg your pardon for interrupting.

Mr. PIVÁNY. I am pleased to answer your questions. I wish to point out that in an attempt to justify the partition of Hungary the argument has been advanced that the minor races or, rather, some of the minor races of Hungary have to be liberated from oppression by the Hungarians. The charge of racial oppression by the Hungarians is not borne out by the fact, for whatever oppression there has been in Hungary has been on class lines, and not on racial lines. The masses of the Hungarians or Magyars had to suffer from it just as much as had the masses of the non-Magyars; and whosoever managed to rise above the masses belonged to the ruling classes without regard to race or creed.

The attitude of the Hungarian Government toward the non-Magyars (who are immigrants or the descendants of immigrants) had been the same as that of our own Government toward the non-English-speaking immigrants: Perfect equality before the law, but no recognition as racial groups or States within the State. What is right if done by the American Government in America surely can not be wrong if done by the Hungarian Government in Hungary.

As a matter of fact, the Hungarian Government had gone a great deal further in its liberalism, for it granted considerable subsidies for the maintenance of the ecclesiastical and educational establishments of the non-Magyar races. There were thousands of schools, in which the language of instruction was other than Hungarian, it being stipulated only that the Hungarian language be also taught as a subject of instruction three hours a week.

I will not read the figures now. I have them in the brief.

Senator KNOX. Do you really think that it is necessary to do more than to refer to your points that are sustained by your brief? Of course, we will read your brief, read it carefully. The ordinary rule in the presentation of a case in court is by verbal argument to point out the main point of the brief and not read the brief. This seems to be pretty long. I only make the suggestion that perhaps you might condense your points, as a guide to the proper reading of the brief.

Mr. PIVÁNY. Yes. I want to point out as one of the important points that even if the charge of racial oppression were true, as it is not, the principle that immigrants have the right to invoke the assistance of the country whence they have immigrated against their country of adoption, would hardly be recognized by our Government. On that principle, the Germans of Missouri and Wisconsin, in which States they were and perhaps still are in the majority, if that principle should be invoked, they could appeal to the Kaiser himself for the annexation of those States to Germany, or at least for their liberation from American rule.

I wanted to point out further that Hungary had been the easternmost bulwark of Protestantism. East and south of Hungary there is no Protestantism, and very little of Roman Catholicism. Now, it is well known that in Roumnaia and Serbia the Greek Orthodox Church is the State church, which is a very intolerant church, and creed and race grow there together. The Catholics have a wonderful organization which is able to protect them to a certain extent, but the Protestant churches are national organizations and the partition of Hungary would disrupt this national organization and condemn them to practical extinction.

As to the economical aspect, I want to say that the little part of Hungary which is to be left to Hungary is absolutely unable to exist by itself, because it is a purely agricultural part, a part of a great plain. The different regions of Hungary are commercially interdependent. Separately they can not exist; together they form a fine, self-supporting organism.

As to the political or international aspect of the case, I wish to emphasize this, that the value of the settlement which is to be arrived at in Paris depends on this: Will it readjust the affairs of eastern Europe so as to improve them or not. If they are not improved, of course the settlement would not be of value, and would be a permanent menace to peace. We claim that the Hungarian race, the Magyar race, is the only one which is able to establish a permanent government in that part of Europe. We claim that that race has shown its quality, its fitness, its great capacity to rule that part of the world, and that the other new States are at best only trials. We do not know whether they will be able to do their part or not.

So I beg to present now the conclusions.

1. Hungary has existed as a State and nation for over a thousand years, in a territory where no other race had been able to establish and maintain a permanent political organization. Surely, possession of such length and the demonstration of such political capacity ought to secure a clear and indisputable title.

2. No other country has any claim on any part of Hungary that could be based on "historical rights."

3. The distribution of the various races in Hungary positively prevents any territorial readjustment, by which more homogeneous conditions could be created than existed till now.

4. Hungary has always been the land of religious liberty and tolerance. Roumanian and Serbian rule over large parts of Hungary would disrupt the Hungarian Protestant churches and threaten Protestantism with extinction in the east of Europe.

5. Hungary is a natural geographic and hydrographic unit, to disturb which could not possibly help in stabilizing conditions.

6. Hungary is also a most distinct economic unit, all parts being interdependent. Separately they can not exist, together they are a self-supporting organism.

7. Not only would the cause of peace not be promoted by the partition of Hungary, but a new Balkan, or Macedonia, would be created right in the heart of Europe and become the source of permanent strife and complications.

8. Should the foregoing facts and circumstances be considered as of unsufficient force and importance to bar the claims of neighboring

nations, it certainly ought not to be permitted to have any part of Hungary placed under a new sovereignty without giving the peoples of such parts an opportunity to exercise the right of self-determination by plebiscites under fair conditions.

9. Hungary ought not to be dismembered in punishment, because this would not be warranted by Hungary's acts and deeds before and during the war. Not only was she not able to keep out of the war, but developments since the armistice justified Hungary's claim that her existence had been in constant peril.

Senator POMERENE. Why was she not able to keep out of the war?

Mr. PIVÁNY. Because she was forced into the connection with the Hapsburgs and thus into the German alliance. It was not possible for her to keep out of the war.

I have explained before that they have tried to get rid of the Hapsburgs several times, from 1849 to 1859, in three cases, and in every instance Hungary was forsaken by the western powers so we believe that the Hapsburg government was practically forced on Hungary by the attitude of the western powers.

The CHAIRMAN. The population of Hungary is about half Protestant, is it not?

Mr. PIVÁNY. No; out of a population of some 18,000,000 a little more than 4,000,000 are Protestant. Hungary has the largest unit of the Calvanistic or the Presbyterian church of any country in the world. There are more Presbyterians there than here.

Senator BRANDEGEE. What is the religious belief of the other 14,000,000 out of the 18,000,000? If only 4,000,000 are Protestant, what are the other 14,000,0000?

Mr. PIVÁNY. About one-half of them are Roman and Greek Catholic, and I believe there must be over half a million of Hebrews, and the rest belong to the Greek Orthodox Church, mostly Roumanians and Serbians.

Senator BRANDEGEE. Are there no Mohammedans there at all?

Mr. PIVÁNY. Not worth taking into account. In Bosnia and Herzegovina there are large numbers of Mohammedans.

The CHAIRMAN. My question generally related to the Slav population when I asked you about the condition. I was speaking of the pure Hungarians, that you call Magyars. About half of those are Protestant, are they not?

Mr. PIVÁNY. Yes; in fact, the Presbyterian Church in Hungary and the Unitarian Church consist almost exclusively of Magyars, and the Unitarian Church, which is the mother of the Unitarian Church in Europe, and has had a close connection with the English and American churches for centuries, would lose all her congregations, except where the Magyars have retained control. But throughout all the territories claimed by Roumania that church would simply cease to exist. They would not allow that church to exist. We feel that Hungary can be saved from destruction only by America, as the United States is the only powerful country which has not been a party to the immoral secret treaties upon which the claimants of Hungarian territory are pressing their claims.

In voicing our protest, therefore, against the proposed partition of Hungary as contrary to the demands of justice and incompatible with the requirements of a just and lasting peace we respectfully

ask the Senate of the United States to refuse to have our country become a party to the annihilation of a civilized nation.

Senator KNOX. Let me ask you a question. You speak of these various territories as being claimed by the French, by Roumania, and by Serbia.

Mr. PIVÁNY. Yes.

Senator KNOX. What do you mean by "claimed"?

Mr. PIVÁNY. They have advanced these claims at Paris.

Senator KNOX. Have you any indication that they have been allowed as claims?

Mr. PIVÁNY. We have two indications—first, newspaper reports, and, second, that the Allies have allowed the invaders to go into that territory.

Senator KNOX. What I want to get at is, how accurate is this map likely to be, in view of the Austrian treaty; whether these claims have been so far conceded that you are pretty sure they are going to be allowed.

Mr. PIVÁNY. We know what each of the races wanted, and we know pretty well what they did not get. Now, I do not believe there is any exaggeration in this at all, because the Roumanians really want to get down to this river Tisza. In fact, they have gone there and have gone over there.

Senator KNOX. Still, this will be subject to verification by the treaty.

Mr. PIVÁNY. Yes; of course this is not final. This is merely an attempt to show it graphically.

Senator KNOX. Of course this question is not involved in the German treaty.

Mr. PIVÁNY. This question is not involved in the German treaty, except that there is an allusion that Germany acknowledges all the boundaries as they shall be set in the future.

Senator KNOX. She agrees to be bound by whatever they do?

Mr. PIVÁNY. Yes.

Senator BRANDEGEE. Have you any information about what is contained in the treaty between the Allies and Austria?

Mr. PIVÁNY. We have only what has been published in the newspapers. On the map you can see this little part here south of the Danube in western Hungary which has been demanded by Czecho-Slovakia. I understand from the newspapers reports that little part has been awarded to Austria and not to Czecho-Slovakia. Of course that is unofficial. We do not know. All we have is what is contained in the newspaper reports.

Senator BRANDEGEE. Your organization is called the Hungarian-American Federation?

Mr. PIVÁNY. Yes.

Senator BRANDEGEE. Are you in communication with the people in Hungary?

Mr. PIVÁNY. At present I am not, but I have been in Hungary as a newspaper correspondent, from September, 1916, to the end of January of this year; so I was there during the first revolution, during the greater part of the war, and during the armistice.

Senator BRANDEGEE. As such newspaper correspondent did you come into personal touch with prominent men in the Government of Hungary?

Mr. PIVÁNY. Yes; I did with practically all excepting, of course, the Bolsheviki. They were unknown people in my time there.

Senator BRANDEGEE. When I asked if "you" were in communication I meant, if your organization was in communication? Do they receive communications from the people of Hungary?

Mr. PIVÁNY. No; our organization does not. Our organization is purely an American organization, started 12 years ago.

Senator BRANDEGEE. I did not mean to intimate that it was not an American organization, but being the Hungarian-American Federation, I did not know but you had letters from people in Hungary so that you would know what their attitude has been upon public questions.

Mr. PIVÁNY. Before the war we could get letters, but postal communication has not been reopened with Hungary. That is one of our complaints to the State Department; but we do get newspapers from there.

Senator BRANDEGEE. That is what I was going to ask you.

Mr. PIVÁNY. And also we sometimes get letters through neutral countries, not to our organization, but to us as individuals.

Senator BRANDEGEE. Inasmuch as we get no information at all as to what is in the proposed treaty between the Allies and Austria and Hungary, we are compelled to rely upon newspaper reports, just as you are.

Mr. PIVÁNY. Yes.

Senator BRANDEGEE. I wondered if you knew whether the views represented in your brief and in your statement before us were the views of the great majority of the Magyar people in Hungary.

Mr. PIVÁNY. Yes; I am absolutely sure of that, because I know their history, I know their sentiments, and I was there during the first part of the armistice.

Senator BRANDEGEE. Does your presentation of the matter here represent simply your personal views as a newspaper correspondent over there, or are there other people in the Hungarian-American Federation who know about Hungarian affairs?

Mr. PIVÁNY. Yes; our president, Mr. Henry Baracs, is right here. In fact, he collaborated with me in making up this statement.

Senator BRANDEGEE. What do you mean in the last statement you made:

"We feel that Hungary can be saved from destruction only by America, as the United States are the only powerful country who have not been a party to the immoral secret treaties upon which the claimants of Hungarian territory are pressing their claims."

To what secret treaties do your refer?

Mr. PIVÁNY. One secret treaty between the quadruple entente—that is France, Great Britain, Italy and Russia, and Roumania, concluded sometime in August, 1916. The secret treaty between Roumania and the Entente has been published, I believe, by the Lenine government in Russia, found among the archives of Russia, and the essence of that treaty was that the Allies tried to induce Roumania, which was an ally of Austria-Hungary, to break her contract with Austria-Hungary, to throw the treaty away as a mere scrap of paper; and in return for that they promised to Roumania big slices of Hungarian territory. They promised things that did not belong to her. Roumania held back for a long time, and when she thought

that Hungary had become exhausted, and there was a big victory of the Russians in June, 1916, then she entered into agreements with the Entente and in August, 1916, invaded the country.

Senator BRANDEGEE. Are there other secret treaties than that, which you have in mind?

Mr. PIVÁNY. I do not know. There must be some treaty between Serbia and the Entente and there must be some treaty between Czechoslovakia and the Entente, but the text of those treaties has not, to my knowledge, been published; but as I understand our country is not a party to the secret treaties and is not bound by them.

Senator BRANDEGEE. There is no way of knowing how many secret treaties there may be between these nations, is there?

Mr. PIVÁNY. No, sir; I could not tell.

Senator POMERENE. Have you had any communication with the Magyars who are now in Siberia?

Mr. PIVÁNY. We get letters from them.

Senator POMERENE. What is their attitude with respect to this matter?

Mr. PIVÁNY. They have only one thing in mind. They want to get away from there, because they are starving, they are dying from disease and from hunger, and they have no clothing, no soap, and no medical supplies. We have applied to the State Department to help them and to the American Red Cross to help them. We wanted to send money and supplies to them. The American Red Cross answered that they could not do anything and the State Department answered the same. Then we asked the Danish Legation in Washington whether they would transmit our remittances to them, and the Danish Legation do transmit our remittances to the Hungarian prisoners of war. We received an order from the Post Office Department just a few days go permitting the sending of parcels to Vladivostok, where the American mail ends. Beyond Vladivostok there is no American mail, but the mails from there are being forwarded by the Danish consular agent.

STATEMENT OF DR. BELA SEKELY.

Dr. SEKELY. Mr. Chairman and gentlemen of the committee, I appear on behalf of the Hungarian-American Press Association. I am not here to plead for new territories, for spoils of war, or conquest. I have come to ask of you justice, magnanimity, and fairness to a defeated people. A Hungarian by birth, but an American by choice and by adoption, I ought to feel perhaps awed in the presence of the honorable body before which I am now pleading the cause of a martyred and agonizing nation, but knowing your high sense of duty toward all mankind, I feel instead almost inspired to let thoughts and feelings run high and freely, so as to permit you to look down deep into a human heart that is filled with sorrow and despair over one of the greatest tragedies in the history of the world.

For the past 1,000 years, Mr. Chairman and gentlemen of the committee, Hungary has had the same frontiers. For the past 10 centuries Hungary has been and still is a nation with a great destiny, the roots of which reach back to the very foundations of the State. In 896, the first years of Hungarian history in Europe, Prince Arpad solemnly promised for himself and his successors that they would

rule the country according to the advice and counsel of the chosen chieftains of the nation. At a time when all of eastern Europe was inhabited by half savage people, and when the rest of Europe was ruled by autocratic kings, the Hungarians, yet heathens, had organized a constitutional government which in 1222, only a few years after the English Magna Charta received its written guaranty in the document called bull d'or, and signed by King Andrew II. They remained not very long heathen, but in 1001 embraced Christianity. Then Hungary began to play the double part she acted so honorably and often so dramatically in European history. She joined western civilization, and defended it against all attacks coming from the East. For 150 years she fought the Turks, preventing them at the cost of her own blood and flesh and liberty to conquer western Europe.

Senator KNOX. Let me ask you a question right here. Geographically, what was Hungary a thousand years ago as compared with this map which you have presented here?

Dr. SEKELY. Practically it was the same geographically, and it could not have been otherwise, because, as you gentlemen know, Hungary is a geographical unit. It is the finest and most complete and most perfect geographical unit in Europe. It is bounded by the Carpathians, and on the south by rivers, and it is no mere chance that this country was preserved for a thousand years; but the valleys from the mountains go down to the center of the country, the rivers all flow to the Danube, and by its natural boundaries it was really predestined to be and to form a country.

Senator KNOX. The point I want to make is that it is substantially true, then, that the Hungary that is proposed to be dismembered is the same Hungary geographically that was established a thousand years ago?

Dr. SEKELY. The same country.

Senator KNOX. That is all I wanted to know.

Dr. SEKELY. And permit me, Senator, to give you this further information, which is very important. Mr. Pivány mentioned it, but I want to emphasize it, that at the time of the foundation of Hungary, of the races that now claim territory from its living body were only a very few of them present then. Neither Roumanians nor Serbians nor any other nationality was there. There were only a few Slovaks. The Roumanians and Serbians immigrated mostly during the Turkish invasion. They came from Turkey and were welcomed by Hungary. The Roumanians came into Hungary in the thirteenth century, and the Serbians also, and multiplied and increased afterwards. If they had been oppressed, how would it be possible that they are still Roumanians and Serbians? In 700 or 800 years an autocratic government would have annihilated them, but Hungary never wanted anything else except that they should be Hungarian citizens and live their own lives otherwise.

In this connection Michelet, the great French historian, paid a glowing tribute to the Hungarian people. In his "Histoire de France," volume 8, page 346, in apologizing for not dealing more extensively with Hungary, he says as follows in a footnote:

It is a cruel sacrifice not to say anything here of the hero of Europe. I am speaking of the Hungarian people. Shall I die, then, always postponing to pay the debt history owes her? Yet infamous and lying compilations appear everywhere. The Hungarians are loath to answer them. When they do speak they speak to the whole world. I hope that our historiography will pay the debt of our hearts to this heroic people, which by

its deeds, by its sufferings, and by its noble voice elevates us and makes us greater. It is generally accorded that the Hungarians are a valiant people, but this valiance is simply the manifestation of a high degree of morality. In everything they do or say, I always hear "sursum corda." The whole nation is an aristocracy of valiance and dignity.

But despite the unceasing wars with Turkey, Hungary has attained, in the fifteenth century, under the leadership of its national King Matthias Corvin, a high degree of culture and civilization. Scientists, writers, and artists from all over Europe flocked to Buda, the capital of Hungary, which at the time was the center of intellectual life in eastern and central Europe. In Pressburg, the ancient royal seat of Hungary, where its kings were crowned, a great university and many scientific societies were founded, as well as the first printing shop established in 1473. The everlasting onslaughts of the Turks, however, were bleeding the country to death, and for this reason Hungary elected in 1526 Ferdinand of Hapsburg to the Hungarian throne. The country hoped to get from him material help against the Turks and thus be able to continue the peaceful pursuits of its destiny. Unhappily the remedy was worse than the illness. Instead of helping Hungary to keep out the Turks, the Hapsburgs meant to make a German Province of Hungary and taking advantage of her exhausted condition caused by the Turkish wars, deprived her of her independence. Since then Hungarian history is a story of unceasing effort to deliver the country from the Hapsburg rule and to regain its freedom and liberty.

In the seventeenth and in the eighteenth century Hungary revolted eight times against the Hapsburgs, three times with French aid, but the prevailing European coalitions always crushed Hungary's noble fight for freedom. In 1848, under the leadership of Louis Kossuth, Hungary once more revolted against the Hapsburgs, and this time her armies were victorious, when the Russian Czar rushed 200,000 fresh troops to the help of the Austrian Emperor. Thus Hungary again was crushed and defeated. But the glorious deeds of the Hungarian revolution called the attention of the whole civilized world to Hungary's plight. Louis Kossuth turned for help to the western countries of Europe, to France and England and finally to the United States of America. Who does not know of the glorious reception the great patriot was given in this country? Never in the history of America was a foreigner received with greater honors than Kossuth. Congress assembled in a joint meeting and was addressed by the wonderful orator whose impassioned burning speeches were the wonder of two continents. But though he got all the sympathy he could have wished for his cause, material help was lacking and none of the great powers made it their business to interfere with the Austrian Emperor in his treatment of Hungary. After Hungary's defeat in 1879, an autocratic military rule was established in Hungary, prohibiting the use of the Hungarian language, confiscating all liberties and privileges of a free people. This lasted nearly 20 years when the country at last gave up hope to get help from France and England and in order to lead at least the normal life of a State, it submitted to the so-called compromise of 1867, by which Hungary was granted in internal affairs an autonomy, but the direction of her foreign policy and the control of her army was left in the hands of the emperor king.

Now, Mr. Chairman and gentlemen of the committee, this brief survey of Hungarian history gives you the key to the state of mind of the Hungarian people when the great war broke out in 1914. The Hapsburg ruler being the absolute master of the Austro-Hungarian army and the sole director of the monarchy's foreign policy, Hungary was handed over, bound hand and foot, to the shortsighted, selfish interests of the dynasty, and the whole power of the country, its men, its riches, its political future, were being sacrificed for the dynastical aims and ambitions of the Hapsburgs. Western Europe, which had refused Hungary its help in 1848 and forced it to submit to the Hapsburgian yoke in 1867, saw in 1914 the resources of Hungary used against her. But can you blame for it Hungary? No more than you can blame the Croatians, the Serbians, the Slovaks and the Roumanians of Hungary and of Austria that, though their hearts were set against the Hapsburgs, they submitted to the iron rule of war which forced them by the power of martial law to join the colors of the Hapsburgs.

Still even the compromise of 1867 was unable to stifle the Hungarian people's desire for deliverance. The Independence Party, which did not recognize the dualistic pact, grew constantly in number and influence. Count Karolyi, the leader of the Independence Party, went in January, 1914, to Paris where he had a conference with President Poincare, asking his help for Hungary's struggle for freedom. From Paris Count Karolyi went to the United States in order to ask Americans of Hungarian descent to help him in his fight for the justice of their native land. Three months later he returned once more to the United States bent upon organizing American help for their fight for independence. The outbreak of the war found Karolyi in America, which he immediately left, and, after having been interned for a brief period in France, he went back to Hungary. He did not keep back his disapproval of the war. He openly agitated against Germany. He frankly declared that his sympathies were with the Allies. Mr. Chairman and gentlemen of the committee, just imagine what this really meant. But though in war times the life of one man does not count much, the powers that were then did not dare to touch Count Karolyi, because they knew that the people behind him would rise in anger and crush them should they make an attempt upon his life. All intimidations notwithstanding, he went on with the work of enlightening the country and fixing frankly the responsibility for the world war. And then, when the President of the United States sent his message to the whole civilized world, people everywhere listened with rapture and it seemed that a new Moses had arrived who from the heights of the Capitol at Washington announced the 14 new commandments of a God of justice and righteousness. The self-determination of the people and the principle that no territories should be shifted from one State to another without the consent of the people who live upon those territories, sounded like the bugle call of a new world in which justice and fairness would rule.

To the Hungarian people President Wilson's 14 points meant the materialization of their fondest hopes for freedom and independence. If no people could be ruled over without the consent of the governed, then the Hapsburg rule over Hungary had come to an end. And as the Hungarians felt so did all of the nationalities that belonged

to the dual monarchy. The fighting power of the Austro-Hungarian Army, composed of three nationalities had suddenly come to an end. The whole Austro-Hungarian Army began to dispand.

But, Mr. Chairman and gentlemen of the committee, is it necessary for me, after this exposition of the situation in the dual monarchy to insist upon the fact that through the victory of the Allies the Hungarian people have been freed and made independent just like the other oppressed people of the Austro-Hungarian monarchy—the Czechs, the Poles, the Jugo-Slavs? At last—at last Hungary has been able to bring her revolution of four centuries to a happy conclusion and indeed she established, shortly after the proclamation of the 14 points, a republican form of government and a real democracy.

But unfortunate is the destiny of some nations. The very day that saw the birth of the new Hungary, free from her fetters and free from the Hapsburg, threw her into the throes of another sort of agony. Count Károlyi, the head of the republican government of Hungary, signed the armistice made at Belgrade, which stated that the Entente powers should occupy Hungary up to a certain point, but it was understood that troops of the neighboring countries, which coveted Hungarian territories, would not form the army of occupation.

As soon as the Hungarian Army disbanded, however, Czechs, Serbians, and Roumanians flooded the country, passed the demarcation lines, and two-thirds of the country was soon in their possession, leaving only Budapest, and a few surrounding counties in Hungarian hands. The armistice expressly stated that in the territories occupied by Entente troops the civil administration should remain in the hands of the Hungarians and that the troops would not interfere with the administration of domestic affairs, but the invaders drove away Hungarian employees of the Government and put in their own officials and then declared the territories occupied by them a part of their own country, because they had established a government in them. They prohibited the speaking of the Hungarian language; they closed up communications from these districts to the rest of Hungary. The country was hermetically sealed by the troops of the Czechs, Serbians, and Roumanians, unable to have any contact with the outside world or even to communicate with two-thirds of her own population. No one was permitted to go in or out. No mail passed through. Transportation was cut off, with the result that the people could not get food even from other parts of their own country and they were starving and being driven to desperation.

Count Karolyi protested to the Entente against the violation of all the terms of the armistice and against the reign of terror of the troops of occupation, which even began using corporal punishment. He implored repeatedly the statesmen at Paris to give him a hearing, to permit him to present Hungary's side, to plead for her rights, to throw light upon the true conditions of affairs. But an answer never came.

Then people began to doubt that justice would be done to Hungary. They lost their hope in the future. They received no word of encouragement from Paris; they saw only that the neighboring countries of Hungary, not satisfied to have regained their freedom and independence, were carried away now by imperialism and coveted the land, the coal, the woods, the gold, the ore mines, and the most fertile

parts of Hungary. And the Hungarian people realized that thus dismembered this country would be unable to exist. And they asked themselves what has become of those beautiful American principles laid down in the 14 points of President Wilson? Oh, how they trusted America, how they believed in the sincerity of those enunciations, how they pinned their fate, their future, the whole existence of their country to that wonderful message from Washington, announcing the beginning of a new, better world. And now, here they were, victims of the violations of the armistice terms, their country overrun, dismembered, crushed under the very eye of the Paris peace conference and in the name of it.

No wonder, when on top of all this the Paris peace conference gave permission to the Roumanians to advance still farther with their armies, that the prestige of Count Karolyi, which was based upon his trust and confidence in the Allies, crumbled to pieces in the teeth of these facts, that he then threw up his hands, resigned his office, and the reins of the Government were seized by Bela Kun, the Bolshevik leader and former secretary of Lenine.

It would be useless for me to dwell upon the horrors of the Bolshevik régime in Hungary. They are known to you all, Senators. But when, after having tolerated for four months the despicable rule of the Bolsheviki in Hungary, the Paris peace conference finally sent a message to the people of Hungary giving them one week's time to overthrow the Bela Kun régime and to form a government acceptable to the Allies, promising in that case the lifting of the blockade and the beginning of actual peace negotiations, the Hungarians found yet in spite of all their misfortunes force and energy enough to chase away Bela Kun and his satellites and to form a government which was entirely satisfactory to the Allies. But did they keep faith with Hungary? Twenty-four hours after the constitution of the new government, which immediately disbanded the Red troops, the Roumanians took advantage of the fact that Hungary once more was without an armed force and they marched into Budapest and occupied the capital of Hungary. They overthrew the new government, installed the Archduke Joseph, a Hapsburg, as governor of the country, and then having allied themselves with the old reactionary forces began to pillage and to plunder the country. The Paris peace conference protested against Roumanian conduct, demanded that the Roumanian troops should be withdrawn from Budapest. The Roumanians, however, paid no attention to this and are still in Budapest. America sent a very strong protest, calling attention to the fact that robbing babies' hospitals and thereby causing the death of 18 sick babies on one day is not in harmony with the principles which the world has been pretending it has been fighting for during the last five years.

According to a cable dispatch of the New York Times dated August 26, a list of plunder taken out of Hungary since August 17 reached Paris that day. It includes everything from typewriters to 110 race horses; and many other animals from the Hungarian Government stud farms. Thousands of Hungarian workmen have been thrown out of work by the removal of all machinery from the factories in which they were employed. Four thousand telephones have been taken from private homes. The Roumanians have taken 60 per cent of the Hungarian locomotives, practically all the passenger

equipment, and 5,000 freight cars. All these items are taken as samples from a much longer list of plunder removed only in four or five days. Before that had gone cattle and food. In other words, adds the Times correspondent, Roumania is doing to Hungary exactly what Germany did to Belgium.

With this difference, however, Mr. Chairman and gentlemen of the committee, that whatever abominations were committed in Belgium they accomplished in time of war, which is, of course, no excuse, but an explanation. War is cruel, war is ruthless, war is brutality, war is hell. But now—now the Paris peace conference has drawn up a covenant of the league of nations which is supposed to guarantee the peace of the world and deal out justice. Now—now there is no war any longer, but an armistice, if not peace altogether. And yet, Roumania, a charter member of the league of nations, is violating all the laws of nations as well as those of humanity, and she is not prevented by the other great charter members of this so-called league of peace, to pilfer and plunder and rob and crush an exhausted and unfortunate nation.

The American press almost unanimously condemned Roumania's behavior, one or two apologists remarking that Roumania was only taking back what Gen. Makenzen has taken out of Roumania. Now, let me tell you, Senators, that whatever Makenzen and the German armies may have taken out of Roumania, they were not in the habit of ever giving to Hungary anything they took. But even had Hungarian troops themselves during the war robbed Roumania—which they never did—retaliation robbery during the period of the armistice, with the peace conference sitting at Paris and with the charter of a league of peace ready for adoption, is against the new rules of a virtuous world.

What is one of the main rules of this new world? The self-determination of people. Now, are the people of Hungary to be asked whether they want to belong to another country? Are they to be asked whether they want to give practically all their woods, all their coal mines, all their metals, all their salt mines and the richest wheat-growing parts of their country to foreign nations as it is intended to take them from them. Are they to be asked whether they want to tear to pieces their 1,000-year-old association? Whether they want to be subject to foreign rule? Is there going to be a plebiscite in Hungary? A plebiscite held under proper safeguards? I mean by that that no army of the nations which means to profit by territorial aggrandizement should be permitted in the territory where the vote will be taken, but neutral, possibly American troops, should look out for the free expression of the will of the people.

In this respect it is important to bear in mind that the nationalities of Hungary—with the exception of the Slovaks—have migrated into the Hungarian territory. They were permitted to keep their language and nationality and all that was demanded of them was to be good Hungarian citizens, and they were that, they are that even now. Race is not everything; a nation means more than race; it means geographical unity, common culture, common tradition, common history, common ideals. Ask the Slovaks in Hungary whether they want to be Czechs and they will answer no. In fact, they have a few months ago founded in the city of Kassa a Slovak

republic which was suppressed by armed force of the Czechs. Ask the 600,000 Magyars and Saxons (also Hungarians by feeling and thought) whether they want to become Serbians or Roumanians. Ask even the Roumanians of Transylvania whether they want to become part of one of the most autocratically ruled countries—Roumania—instead of being part of a free democracy and liberty-loving country as Hungary. A plebiscite, therefore, is the only just and equitable means of solving the problem of Hungary, and I pray of you, Senators, do not give your consent to any Hungarian treaty of peace which would shift Hungarian territory to another State without the consent of the people who live upon those territories.

Now, this leads me, however, to the question of the league of nations. Should any injustice be done to Hungary—it is not impossible—will then this league furnish the means of right in the future wrongs done to Hungary?

No, Senators. This "league of injustice" intends to build an impregnable and indestructible Chinese wall around the subjugated races; a wall as high as to shut out all rays of hope for liberation; a wall so strong through the united cooperation of the mightiest nations of the earth as to imbue the peoples which had been caught in the diplomatic net of the Paris peace conference, as the Hungarians, or else had been ignored by it, as the Irish, with the paralyzing knowledge of their utter impotency to escape and to be free again. Instead of joy it brings sorrow, instead of light it sheds darkness, instead of righting wrongs it commits new ones, instead of developing international law it makes the law of egotism international instead of heralding the dawn of a new world; it means the doom of all the highest aspirations of mankind toward universal justice, fairness, and square deal.

It does all that with a deceiving smile and with an abundance of hypocritically sweet words. Some years ago The Devil, a wonderfully clever and highly successful play by a Hungarian author, was shown throughout the United States. This devil was different from the evil figure as it lived in the imagination of the world. In looking at him you would not know him, he had neither horns nor a pointed beard, nor was he lame. On the contrary he was smooth-faced, elegant of figure, showing the manners of a polished gentleman, wearing the finest clothes from a Fifth Avenue shop and saying brilliant things, so brilliant, indeed, that he finally succeeded in perverting the mind of a most virtuous lady into looking upon highly improper things as the very pinnacle of angelic virtue. Yet, no virtuous fair lady ever was seduced by more alluring phrases and more high-sounding promises than a war-worn world is now tempted to believe that this league of brutal force is a league of peace. This league of nations indeed is Satan in evening clothes, Lucifer masquerading as the Angel of Paris, but when you look closer to it you will discover under the dark shadows of the white wings the hoofs of the devil. And by God, Mr. Chairman and gentlemen of the committee, you have looked close and you have discovered articles 10 and 11 and the other unmistakable signs of his satanic majesty.

In closing I want to say a few words.

I understand, Mr. Chairman and gentlemen, that this body is not making the treaty. As far as my knowledge goes, the peace treaty with Hungary is ready but not submitted yet. These territorial

spoils are claims of foreign neighboring countries put forth before the peace conference.

It is understood that the most extreme claims have been granted. Therefore, in looking at this map, Mr. Chairman, and gentlemen of the committee, you will get a full knowledge, as exact and full a knowledge as it is possible of what is going to happen. Our plea is this: We congratulate you, Mr. Chairman and gentlemen of the committee, upon your firm stand upon the question of the league of nations, and we implore you that at a time when the Hungarian treaty will come before you and before the Senate you shall do justice and be fair and magnanimous with Hungary.

STATEMENT OF MR. HENRY BARACS.

If it please the committee, I would like to make just a few remarks to complement Mr. Pivány's address.

Firstly, I would like to call your attention to the interesting fact that it is possible to get a glimpse of the true situation in regard to the relation of the parts of Hungary to be taken away from her and the racial make-up of their population, without having to go to Hungary, right here in the United States of America. We want you to know that there are great multitudes of American citizens of Hungarian extraction who, or whose parents or grandparents, hailed from districts of Hungary that are now under the rule of some claimant of Hungarian territory, even though no formal treaty has yet sanctioned the territorial changes, and that great multitudes of Hungarians, hailing from such districts, reside in this country who, while not yet fully naturalized have, at all times, done their full duty toward the United States. A closer scrutiny will also reveal that from a great many countries, included in the disputed areas, more Hungarians emigrated to America than people of other races.

The mere fact that there are hundreds of thousands of people in America alone who come from the very parts of Hungary that are to be permanently annexed to other countries, and who are, undoubtedly, of the Hungarian race, ought to serve and be accepted as a prima facie evidence of the total lack of justification of the proposed territorial changes. For the only acceptable rebuttal of this evidence would be for the other side to claim that this numerical relation between Hungarians and non-Hungarians from those countries exists in America only and that the numerical relation is quite different in the countries themselves. This, however, would finally and completely dispose of the cry of Hungarian oppression in those sections of Hungary, for who could be made to believe that the oppressors leave their country in greater numbers than the oppressed ones?

The fact I referred to ought also to act as a warning that no peace of any duration can be established with such territorial changes, and, last but not least, it ought to indicate that a close and fair scrutiny of the fate of Hungary by the Senate of the United States will prove of great force in strengthening the faith of great masses of good Americans in the sense of justice and altruism of America, their country.

As a second remark, I would like to call your attention to a feature of the situation that to my knowledge has not yet received due consideration.

We have heard a good deal about the boon this peace is going to prove for new Hungary which, though shorn of a large part of her territory, will at last and at least be able to live the life of an independent, self-governing, happy nation.

Mr. Pivány has proved, conclusively, the impossibility of a satisfactory physical existence of such a new Hungary, because she would be without most of the indispensable economic requirements. But nations are like human beings. Physical life alone is not worth living without a spiritual life. Of what use is the strongest, healthiest body, and how long can such a body exist, if there is no soul to direct its actions? Of what use is, as a nation, the largest area of land, inhabited by the greatest multitude of people, if there is no national soul, no national spirit to direct its career?

And it is the soul, the spirit of the Hungarian nation the proposed disintegration of Hungary threatens with extinction. For most of the places and regions to which are attached the most sacred traditions of the Hungarian nation, and which formed the corner stones of her culture and civilization, would be lost to her.

To give just a few illustrations: Pozony (Pressburg), for centuries the capital and coronation city; Kassa, the resting place of Rakoczi, the hero of the greatest popular uprising against the Hapsburgs; Monok, the birthplace of Louis Kossuth; Munkacs, a landmark on the road the Magyars took when they entered their future home and the birthplace of Michael Munkacsy; Komarom, the native town of Maurus Jokai, are to be under Czecho-Slovak rule.

Kolozsvar, so closely connected with and symbolic of the glorious part Transylvania played in the history of the Hungarian nation and of the entire civilized world; Torda, where Hunyadi, the Turk beater, first saw the light, the land of the Szeklers, these heroes of Hungary's many fights for liberty; Arad, the Hungarian Golgotha, where the 13 martyrs were executed on October 6, 1849, and where most of them were buried, are to become the possession, and are already occupied by Roumania.

Bacs County and other parts of southern Hungary which are full of reminders of the battles with the Turks and of the revolution of 1848–49, are to be ruled by Serbia. The birthplace of Francis Liszt is coveted by German Austria.

There would be no shrine left where Hungarian could go in pilgrimage to pay homage to the glories of the past and to gain inspiration for continued noble efforts. All those great traditions would be superseded by the one sad knowledge that they were all in vain, that they are lost forever.

I dare say, therefore, that to take away all this territory from Hungary means the killing of the soul of the Hungarian nation. And how long could and would it be a nation with her soul torn out?

And still, I do not hesitate stating that if the future of world's democracy and the success of the plans to secure permanent peace demand that the Hungarian nation and the State of Hungary be offered as a sacrifice; if the best interests of civilization are served by eliminating the Hungarian nation and the State of Hungary as its factors and by replacing them by the Servian and Roumanian nations; if the triumph of the doctrine of the right of self-determination of nations and nationalities can not be made complete and convincing

without depriving the Hungarians and other races inhabiting old Hungary, of exercising that right, in punishment for belonging to the vanquished participants of the world's war; if all these presumptions and suppositions are well taken then, though with a bleeding heart and an agonized soul, I recant all I said, with honest conviction, and based upon what I know to be honest truths in the cause of Hungary.

But I fear not that the verdict of this committee and the verdict of the Senate will place me in such a position. I trust that this verdict will be such as to give a new lease of life to old Hungary. As long as the Senate of America refuses to sanction Hungary's dismemberment, there will be a Hungary, a Hungarian nation.

In conclusion I want to close my remarks with what Dr. Pivány said in the beginning of his remarks. I want to thank you most sincerely on behalf of the Hungarian-American Federation for the courtesy that you have extended to us. We came here directly from a convention of the Hungarian-American Federation, held in Cleveland yesterday and the day before, where several hundred delegates assembled from all parts of the country, some of them old American citizens of the second generation. As they bade us good-by they gave us their blessing with the hope that our mission would be successful. Once more we thank you from the bottom of our hearts.

STATEMENT OF MR. C. TELFORD ERICKSON.

Mr. ERICKSON. Mr. Chairman and Senators, you will understand with what appreciation we appear before you to-day, when we tell you that during the eight months in which the fate of Albania has been hanging in the balance before the peace conference, this is the first and sole opportunity we have had to present our case before a deliberative body upon its own merits. Before the Greek commission in Paris we were asked to appear in rebuttal of their claims to portions of Albanian territory, but there was never a commission appointed in the peace conference to consider Albania's claims. There was never an opportunity given the Albanian delegation to appear before any other delegation as a body or any other commission. I say this in order to express more fully than I could otherwise our appreciation for this opportunity this morning.

Senator MOSES. May I interrupt you just a moment, Mr. Erickson? Will you be good enough to explain just who the Albanian delegates at Paris represented. Did they represent the provisional government?

Mr. ERICKSON. Yes.

Senator MOSES. Who was the head of it?

Mr. ERICKSON. Turkan-Pasha was the head of the delegation and Mehmet Bey was the minister of foreign affairs.

Senator MOSES. Where was its seat of government?

Mr. ERICKSON. At Durazzo.

Senator MOSES. Was that Government exercising governmental functions through any portion of Albania?

Mr. ERICKSON. No, because Albania was entirely occupied by the military forces of Italy, France, and Great Britain, with small parts by Greece, Serbia, and through this military occupation the civil government was extinguished.

In the memorandum submitted to the three great powers, Great Britain, France, and Russia, now known as the secret pact of

London, the following are the stipulations with reference to Albania:

Article 6. Italy shall obtain in full ownership Valona, the island of Saseno, and territory of sufficient extent to assure her against dangers of a military kind—approximately between the River Voiussa to the north and east, and the district of Chimara to the south.

Article 7. Having obtained * * * the Gulf of Valona, Italy undertakes, in the event of a small autonomous and neutralized State being formed in Albania, not to oppose the possible desire of France, Great Britain, and Russia to partition the northern and southern districts of Albania between Montenegro, Serbia, and Greece. The southern coasts of Albania, from the frontier of the Italian territory of Valona to Cape Stylos, is to be neutralized. To Italy will be conceded the right of conducting the foreign relations of Albania; in any case Italy will be bound to secure for Albania a territory sufficiently extensive to enable its frontiers to join those of Greece and Serbia to the east of the Lake Ochrida.

From note 2: The following districts on the Adriatic shall by the work of the Entente Powers be included in the territory of Croatia, Serbia, and Montenegro * * * to the south of the Adriatic where Serbia and Montenegro are interested, the whole coast from Cape Planca to the River Drin * * * and St. Giovanni di Medua. The port of Durazzo can be assigned to the independent Mohammedan State of Albania.

Supplementary to this pact must be included the recent agreement entered into between Italy and Greece, reported to be as follows: Greece to support Italy's claim to Valona and Hinderland, and also has aim to be mandatory power over the "Independent, Mahommedan State of Albania;" in compensation for which, Italy supports the claims of Greece to Southern Albania, or Northern Epirus, as the Greeks call it. Presumably Jugo-Slavia will be offered the same terms, Italy supporting her claims to Albanian territory to the north and northeast as intimated in the pact above quoted.

That will leave to the "Independent, Mahommedan State of Albania," an area of about 6,200 square miles (a little larger than the State of Connecticut), and a population of approximately 400,000. The cities of Scutari, Kortcha, Valona, Argyrocastro, Tepelin, Delvino, the ports of San Giovanni di Medua, Valona, and Santa Quaranta, will be added to the long list of amputations (Vranje and Dulcigno by the treaty of Berlin, the highlands of Hoti, Gruda, Plava, Gusigna, the province of Kossova, containing over 800,000 Albanians, with the cities and districts of Ipek, Jakova, Prisrend, Mitrovitza, Prishtina, Ushkup, Dibra, Struga, Ochrida, and the province of Chameria, by the treaty of London, 1913) which have been performed during the last 50 years.

This Torso, labeled "The Independent, Mahommedan State of Albania" and consigned to Italy for a "painless death," constitutes, gentlemen, a "Shantung" in the Balkans, which you will see upon investigation is a more unscrupulous, cruel, immoral, and dangerous adventure in national spoliation than is Japan's in China. Permit me for a moment to draw a parallel: Shantung taken away from China leaves 280,000,000 Chinese and nearly nineteen-twentieths of her territory intact. If this pact is carried out in Albania, less than one-third of her legitimate territory and about one-sixth of her population will remain, not free and independent, but under an Italian protectorate, against the protest and in flagrant violation of the resolute will of the entire Albanian population in the Balkans, numbering 2,500,000 souls.

In short, it contemplates the deliberate assassination of a race, and that in the name of the most sacred principles of our Christian

civilization. Once more: Japan did not take Shantung from China, but from Germany—an enemy in war. By this pact it is proposed to sieze and dismember an independent State which had been created and instituted by these very powers (plus Germany and Austria) in December, 1912; they, themselves, assuming the solemn responsibility of safeguarding the "independence, neutrality, and territorial integrity of the Albanian State." Again, Kiaochow had been in Germany's hands for 20 years; she had acquired it by treaty with China, to which the great powers had acquiesced. She had invested large sums of money in improvements there, and Japan by her treaty with the powers merely acquires these rights and possessions. On the other hand, Valona is and always has been an integral part of the Albanian State. No Italians had residence there; no Italian or other foreign capital, enemy or otherwise, had been invested in improvements. In short, there is not a shadow of right or justice upon which to base Italy's claim, unless it be the "Shade" of Julius Cæsar, for it did once pertain to his possessions, as did most of the rest of Europe. In three particulars, however, the two Shantungs are alike: Both are representatives of ancient civilizations, both are rich in natural resources, and both are being despoiled in spite of the fact that they have been absolutely loyal to the Allies—far more loyal certainly than many others who to-day are sharing richly in the spoils of war. Permit me a word of amplification on the last two points: Just behind Valona is by far the richest and most extensive valley in Albania with a large river flowing through the midst for irrigation. Colonized by Italians and put under their intensive cultivation it would be a gold mine of revenue. In addition there are proven oil deposits, lakes of asphalt, coal, iron, copper, and many other minerals, besides large and very valuable forests. The exploiting of these, with the customs revenues which can be easily concentrated at Valona, would be exceedingly useful to Italy's bankrupt treasury, provided America can be persuaded to loan her the necessary funds for operation.

I affirm, too, that Albania was, so far as her circumstances permitted her to be, absolutely loyal to the allied cause. However, bear this in mind, please: That her neighbors—Serbia, Greece, and Montenegro, with whom she would naturally be allied, had less than three years before done their utmost to destroy the Albanian State and divide it among them; that actually a million and a half Albanians, and half their territory had been taken away from her and given to these States by the Treaty of London, 1913; that the sufferings of this population under their foreign master, thanks to the official reports of the Carnegie Commission and other eye-witnesses, had been such as to stir the soul of Europe and America, as Belgium was destined to do later; that Austrian and Italian ambitions in the Balkans, of which Albania was to be the victim, were well understood by every Albanian; that furthermore, their territory was early invaded by foreign armies, Italians, Greeks, Serbs, and Austrians, who were fighting over their soil, while Essad Pasha and his reactionaries were terrorizing the central part much as Villa has done northern Mexico. I ask you, gentlemen, how much could one in justice demand of them under the circumstances—victims as they were, whichever way the scales turned, facing the danger of further mutilation,

enslavement, and even death. Yet this is what happened there: When the Serbians retreated through Albania, not only were they not molested, but food and succor were freely bestowed by the Albanians out of their own extreme poverty. When the French came to Kortcha and encouraged the Albanians with hopes of national freedom, by permitting them to organize the Kortcha Republic, one of their first acts was to recruit a battalion of Albanian sharpshooters, which did valiant service for the Allies, as the following citation proves: "The First Battalion of Albanian Sharpshooters: After having distinguished itself in the battles of Strelza, of Ostrovitza, and Kamia, as well as the battles of Bofnja, under the energetic leadership of its commander, Major Holtz, has shown the most excellent military qualities and proved itself to be a troop of the first class. Serving always as the vanguard of our troops, it has always been taking the lead in incessantly driving the enemy without giving him time to breathe, and by capturing hundreds of prisoners and immense quantities of war material." This citation was issued by Gen. Henry, commander of the French Army of the Orient, and Maj. Reynard-Lespinasse, governor-delegate of the territory of Kortcha, adds this comment: "This distinguished recognition places the battalion of Albanian sharpshooters among the best regiments of France."

When America entered the war, hundreds of Albanians hastened to enlist in her armies, many of whom lie sleeping to-day on the battle fields of France. The Albanians of America likewise offered to raise a large expeditionary force to fight for the allies and went so far as to elect Lieut. Col. Aubrey Herbert, of the British Army, as their commander, to which his Government gave assent; but at the last moment Italy refused hers. Why? Presumably she saw difficulties in the way of carrying out her pact if Albania were admitted into the circle of the allies; just as the Balkan States had refused theirs at the time of the Balkan war. Had Italy known what little difference that was to make (as witness China's case), the allies might have had the services of the Albanians in the Balkans at a time when it would have meant the turning of the tide of war. The fatal weakness of the Balkan campaigns was the lack of a strong native force, perfectly acclimated and familiar with the territory and method of warfare best adapted to it, as the Albanians were.

Another hundred thousand could have been easily recruited and set to lead a campaign which would have saved the Serbian disaster, cut off communication between the Central Powers and Turkey, taken the Austrians in the rear, and perhaps ended the war a year sooner. Naturally, Albania would have expected her independence, and evidently that was regarded as too great a price to pay.

But this point should not be overlooked by those who are planning Albania's dismemberment: That not only are those 100,000 men still there as a fighting force, but scores of thousands besides, who are prepared to shed their last drop of blood that their country may be free. The 2,500,000 Albanians, occupying one solid block of territory and constituting at least 90 per cent of the population, whatever flag may be flying over them—and there are to-day six—are no more reconciled to them than they were to the Crescent of the Turks. The same spirit has turned their blood to fire that kindled the veins of our forefathers when they forsook their plows and forges for their

flintlocks at Lexington and Concord; and nothing can quench it or kill it till their country is free. Forty and eight years ago when the European Powers heartlessly rejected her plea for independence at the Berlin Congress, became parties to the Turkish tyranny which ruled over them, besides giving portions of their territory away, the whole nation arose en masse in armed rebellion, and neither the Powers nor the Turks could force them to surrender their territory, nor Greece and Montenegro take it away. Finally Montenegro's portion was changed to a coast town which the Powers could cover with the guns of their fleet and thus the Albanians were forced there into a sullen surrender; but Greece never got hers till 1913 under the Treaty of London. During these years the national sentiment in Albania has grown by leaps and bounds and if the Italian Government insists on pursuing her imperialistic policy there, as she seems determined to do, it will mean "war to the knife and the knife to the hilt," so far as the Albanians are concerned. In fact the Albanian people, weary of the endless uncertainty of the Paris Conference in regard to their fate have already begun to take matters into their own hands, as have those who wish to despoil her, and there is fighting all along the line to-day. Italy staggering under her colossal burden of poverty and debt, from her two wars, desperately needs peace, but she will not find it by her present methods and policy. Her enemies and rivals know this perfectly well, hence their bland acquiescence to her demands is with the "arriere-pensee" that the troubles she is brewing for herself will be so much gain for them.

Had Italy pursued an open policy of befriending Albania, accepted their program of independence, with ethnical boundaries, she would have carried through the program at the peace conference with ease and won the everlasting gratitude and friendship of the Albanian nation. A strong and friendly state on the east would have been an infinitely better security to her political interests than all her entrenched armies and fortifications over there plus the unrelenting hatred of the entire population. Furthermore, with three short railway lines connecting up with those already built in Serbia and Macedonia, a very large proportion of the trade of the Balkans would take its natural course westward into the Adriatic, Italy, and Europe, instead of south and east, as at present, a consideration of immense value to Italy.

The true friends of Italy, of which I count myself one, know this and are urging the Government to desist before it is too late. A very large group in the Italian Parliament, supported by great numbers of public men, have protested and are protesting against this policy pursued by the former and present governments.

Gentlemen of the committee, I have dwelt at length upon the larger phase of the Albanian problem, because it is the key to the whole Balkan situation, as any expert who has studied the question at first hand will testify.

But I dare not close this plea without touching upon the Albanian case for its own sake and on its own merits, apart from what Italy, Serbia, Montenegro, Greece, France, Great Britain, or any other power, great or small, may think about it, their plea for independence.

We base our right to this first of all on historical grounds. For 3,000 years of uninterrupted history and unnumbered centuries

behind that—for there is neither record nor tradition of their coming—the Albanians have lived in the land and defended it with their blood. Submerged by the many waves of foreign invasions which have swept over them—Vandal and Goth, Hun and Roman, Byzantine and Norman, Serb and Bulgar, the armies of the Crusaders, Saracen and Turk, and countless others—yet always surviving, maintaining intact their language, customs, traditions, ideals, physical type, and ethnical character.

Again we base her claims on grounds of racial worth.

The excuse which civilization has employed to justify their exterminating of the aborigines populations and possessing their lands has always been that they were mere weeds encumbering the ground. A tremendous propaganda has been systematically conducted for many years to discredit the Albanian people by those who would dispossess her people. "Brigands," "outlaws," lovers of blood feud and rebellion, haters of one another, enemies of mankind, and Turks at heart are some of the lurid characters by which they have been described. As one who has lived among them with a wife and family of small children for many years, I must characterize all such statements as calumnies and lies. I have seen them amid unspeakable hardship and suffering, cruelty and wrong—they have been tried by fire and they are gold.

Among them are to be found to-day virtues enshrined which even the more advanced and cultured nations would do well to possess in equal measure. In Albania when a man gives his word he gives himself with it in pledge of its fulfillment, and he will sacrifice himself to save his word of honor. In Albania the hearth is the altar and throne of the nation's life, and she who presides in the home as priestess and queen is inviolate and inviolable in her virtue whereever she goes. There is practically no such thing in Albania as a dishonored home.

Sober, clean blooded, industrious, frugal, lovers of home and children, keen intellectually, poets, dreamers—of one great dream, Albania free—given to hospitality, to the sharing of their last crust, gentlemen and gentlewomen to the heart's core, faithful to the death, that is the type of people I have found and whom I am proud and honored to represent at this time.

They have never had the opportunity to demonstrate their worth as an independent nation, because they have never been independent, but that genius is there is proven by the fact that wherever it has been planted in congenial soil it has blossomed abundantly. If not the first, certainly she was one of the first who passed through the Balkan gate between East and West to begin laying the foundations of Europe's civilization. She gave to Greece many of her ancient gods and her most-famous oracle, while no small number of philosophers and poets which created the Golden Age for Greece were born among the Albanian Mountains. Out of her loins sprang Alexander the Great, world conqueror; several Roman emperors were Albanian born, among them Diocletian and Constantine, Europe's first Christian Emperor and first to proclaim our holy religion as official throughout the Empire. St. Jerome translated the Bible into the Latin tongue and it has remained the standard for the great Catholic Church to this day. She has given popes to the

church and defended the faith against apostates and heretics at a time when they were rending the church apart everywhere.

Albanians fought for half a century, Europe's battle of Christianity against Islam and prevented the Crescent from supplanting the Cross in many a European capital. When their sacred leader Skenderbeg, whom an historian characterized as "a saint like St. Louis of France, a diplomat like Talleyrand, and a general like Alexander the Great," was beating back the Janissaries of Mahomet II numbering from ten to fifteen to his one, from the gates of Europe, she applauded him; but when after 24 years of undefeated battle, he fell, not a hand was raised to help him; Albania was simply abandoned, forgotten, and left to sink into such oblivion that she became one of the least known of all the races on the globe. Passing under that cruel yoke, the gates of Europe were closed against her, while for four and a half centuries she was ravaged and plundered, scourged with fire and sword, maligned and defamed, her racial ideals, language, national aspiration treated as some evil thing to be stamped out at any cost; her enemies rewarded for their crimes against her and she punished for the criminal; her sons drafted to fight the battles of her oppressors or turned against each other in fratricidal war; her people driven into exile by hundreds of thousands, where in strange lands through lone and weary centuries, they have kept their national vigils undimmed in the undying hope of a better day. Yet their genius never died. They supplied their conquerors with a score and a half of grand viziers and most of their efficient and honest governors. They helped Greece win her war of independence, and what was their reward? Despoiled of territory and condemned to further bondage under the Turks, by the statesmen representing Christian Europe at the Berlin congress, to serve them as a barrier between the Slavs and the Adriatic!

For Albania's ethnical boundaries, I beg to refer to my colleagues, who can speak with more intimate knowledge of the subject. I desire to offer one or two suggestions for a solution of the problem and I am finished.

We have presented to the State Department and the American delegation at Paris a proposal that the peace conference appoint a boundary commission to settle boundaries between Serbia, Greece, and Albania. That said commission shall be composed of representatives of powers having no direct interests in the Balkans. That they visit the territory, study the ethnical character of the people, language, type, etc., arrange for plebiscites wherever possible and so base their decisions on the will and character of the people themselves, their report to be accepted by the conference and league of nations as a basis of settlement. Because of the marked individuality of the Albanian race, this is not difficult and it is absolutely essential, if peace is to be obtained.

We further propose, for the administration of Albania: The appointment by the league of nations of a commission consisting of two Italians, two Albanians, and three Americans, one of the latter to be appointed executive head of the commission. Thus Italy's interests will be recognized and amply protected, Albania will be given a voice, holding a balance of power, while the majority members will represent a disinterested, benevolent power, concerned

alike for the welfare of all the States concerned. The commission would concern itself with the organization of an autonomous government, looking to its absolute independence under the guaranty of the league of nations. This involves for America no responsibilities which she does not assume upon becoming a member of the league and yet it gives her an unequaled opportunity to lend a helping hand in saving a race from destruction and laying the foundations for a lasting peace in the Balkans. Millions of Albanians, beleaguered with armies within their own land, or exiled in foreign lands, have fixed their hopes on America to save them. It was the conclusion of the American delegation at Paris, after months of careful study, that America was the only power that could save Albania and reconcile the Balkan peoples with each other. I am revealing no secret, I think, for it was openly spoken in Paris, that both Mr. Venezelos and Mr. Pascitch expressed themselves as willing in behalf of their respective States, to submit the boundary and any other issue involved, to America for settlement. With America assuming the modest rôle which I have indicated, requiring neither a single soldier from her armies, nor a single dollar from her treasury, such is her moral force, such the respect and confidence in which she is held by the Balkan peoples, that I venture to predict that within five years, she would be able to remove racial frictions, reconcile political differences, unite the peoples by railways, trade routes, commercial enterprises, social, educational, and political interests, and convert this "cockpit of Europe" into one of the most peaceful and prosperous regions of the whole world.

Gentlemen, I do not wish to be selfish, or of narrow vision, but my conviction is shared by many of the greatest experts in the world who have studied the world situation and it is this: Unless the Balkan situation is definitely and finally dealt with in wisdom and justice another war within two or three years is inevitable. In the name of heaven that would bless the world with peace and heal its gaping wounds, in the name of humanity, bled white with war and groaning under its burdens, while filled with fears of still further horrors impending, we beg you to lay hold on this supreme opportunity? Over yonder beyond the eastern horizon whence came a man, divinely guided, as I believe, to discover this fair land for our home and happiness—just a little beyond—lies a little child of the nations, robbed of its patrimony, mutilated of its members, disowned by those who stood sponsors at its christening—an abandoned waif on the great international highway of the world. What is its fate to be? Will you in the name of our beloved America save her? If not, I must ask on behalf of the present and coming generations, for what have our billions been spent?

I must ask in the name of the mothers and the wives and the orphans of those thousands of America's sons who have given their lives in sacrifice for this course, why have they died?

Senator MOSES. In setting up these neutral Mohammedan states, to which you have referred, does that division of Albanian territory follow logically the religious division of the population?

Mr. ERICKSON. Not at all. It has no regard at all to the religious population.

Senator MOSES. Under that distribution, what becomes of the Catholic tribes in the north and the south?

Mr. ERICKSON. The Catholic tribes of the north for the most part are turned over to Montenegro and Serbia. The tribe of the Merdite numbers about 40,000. That for the most part remained in the Mohammedan state. There are no modifications in that at all.

Senator MOSES. What is the total Mohammedan population of Albania?

Mr. ERICKSON. Which Albania do you refer to?

Senator MOSES. Ancient Albania, the Albania that you and I know of.

Mr. ERICKSON. About two and one-half million Albanians, the population being 65 per cent Mohammedan.

Senator MOSES. They are chiefly in the central portion are they not?

Mr. ERICKSON. Yes; but very generally extended also in the north and the south. In fact, up in the north, outside of the present territory of Albania, the first boundaries of Albania, the great majority of the population is Mohammedan, 90 per cent.

Senator MOSES. That portion of Albania which was annexed to Montenegro following the treaty of Berlin contained a considerable amount of Mohammedans.

Mr. ERICKSON. They were entirely Mohammedans.

Senator MOSES. Is there still mufti there?

Mr. ERICKSON. Yes.

Senator MOSES. That is the same mufti?

Mr. ERICKSON. Yes. That indicates what they propose to make of the Mohammedan faith.

The CHAIRMAN. A request has been made that this printed statement in regard to Hungary be made a part of the record. If there is no objection, it will be done.

(The brief entitled "The case of Hungary," offered by Mr. Pivány is here printed in full, as follows:)

THE CASE OF HUNGARY.

[A brief submitted to the Committee on Foreign Relations of the Senate of the United States by the Hungarian American Federation, 404-406 Superior Building, Cleveland, Ohio.]

Mr. Chairman and members of the Committee on Foreign Relations, before presenting this brief to you we wish to express our thanks for, and appreciation of, the spirit of fair play evinced by the willingness of your committee to have us testify before you as to the case of Hungary.

We feel that, in submitting this brief, we are performing a civic duty and are serving the best interests of our country as well as of mankind, for (1) we endeavor thereby to prevent the United States of America from becoming an active partner to the unwarranted, unjust, and arbitrary disintegration and annihilation of a country that has existed in the territorial condition now to be disturbed for over a thousand years and had become a recognized factor of civilization; (2) by placing at the disposal of your committee, the Senate of the United States, and the American people the true facts of the case we endeavor to prevent that judgment be based on the one-sided, or unreal, or fabricated statements which have been spread broadcast by the claimants of Hungarian territory for several years past; (3) the fate of what had been known until the armistice as Hungary is not a matter of indifference to the rest of the world, as might be inferred from the lack of interest in the subject shown by various factors of public opinion in this country. On the contrary, the very peace of Europe depends on it.

In order to add to the lucidity of our brief, we beg leave to give first a concise account of the treatment accorded to Hungary during the armistice, then present our data and arguments grouped as to (I) the historical, (II) the racial or ethnographic, (III) the religious, (IV) the eoncomic, and (V) the political or international aspects of the case, and, finally, state our conclusions.

HUNGARY'S TREATMENT DURING THE ARMISTICE.

On the night from October 30, to October 31, 1918, after much agitation lasting several months, a revolution broke out in Budapest, the capital of Hungary, which put Count Michael Károlyi into power, demanded the immediate cessation of hostilities, and the opening of negotiations for the conclusion of a just and lasting peace. Shortly afterwards a republican form of government was adopted by the Hungarian National Council based on universal male and female suffrage, and Károlyi was elected temporary president. It was quite logical to have Károlyi head this movement, for Károlyi had been the leader of the party in the Hungarian Parliament opposed to the alliance with Germany, he had openly, and with considerable risk to his person, avowed his friendship for the Allies, and had been a radical democrat and pacifist.

It is now universally admitted that had the Allies not unnecessarily opposed, humiliated, deceived and driven into despair the decent and orderly Károlyi Government, not to speak of having given it some well-deserved encouragement, most of the chaos, bloodshed, and suffering still prevailing in eastern Europe could have been avoided and Bolshevism would never have come to power in Hungary. (We refer for instance, to Prof. Philip Marshall Brown's illuminating article in the magazine section of the New York Times for July 27, 1919. Prof. Brown had been one of our experts to the peace commission.)

On November 7, 1918, Count Michael Károlyi, with a staff of experts, went to Belgrad to conclude an armistice with the French general, Franchet d'Esperey, commander of the allied forces in the East. The general treated Károlyi, the head of a noble nation, as no gentleman would think of treating a servant; he told him he held the fate of Hungary in the hollow of his hand and could destroy her by turning her neighbors loose on her (which he subsequently did); and replied to Károlyi's request to facilitate the importation of coal in order to keep the mills running with these historic words: "What the h——l do you want coal for? A hundred years ago you used windmills. Why can not you get along with them now?"

The armistice dictated by Gen. Franchet imposed very heavy obligations of an economic kind on Hungary. A very considerable part of her military supplies, rolling stock, river boats and live stock was to be handed over to the Allies. The Hungarian Army was to be reduced to five divisions of infantry and one division of cavalry. The territory south of the line of demarcation (which ran, roughly speaking, along the river Maros and continued southwestward on an artificial line across the Tisza and the Danube to the river Drave), viz, one-third of Hungary, was to be open to occupation by the allied or associated armies. The occupation was to be temporary, and the territorial questions were to be settled finally by the peace conference.

There was only one provision in the armistice not unfavorable to Hungary, and that was to the effect that the civil administration even of the occupied territories should remain in the hands of the Hungarian Government, thus assuring the continuance of the centralized system for the distribution of food, coal, and other necessaries of life. It is of importance to note that at that time Hungary had enough food to last until the next harvest; in fact, she had a little surplus which she was willing to give to Vienna or Prague in exchange of certain manufactures and coal.

Although the Hungarians have speedily fulfilled their obligations, this provision of the armistice has been violated by the Allies and their associates from the very first, which is the principal cause of all the famine, idleness and anarchy in Hungary.

The western part of the territory laid open to occupation was invaded in November by the Serbian Army, which was followed in the eastern part by the Roumanian Army in December. The Roumanians were somewhat late, because at the conclusion of the armistice they had hardly any army worth speaking of. Their first soldiers arriving in Hungary were very badly equipped, many of them wearing straw hats in December and low moccasins instead of shoes or boots. But they were not bashful at all about helping themselves to the military stores in Hungary, and soon looked spick and span.

The first thing the occupying armies did was to annex the occupied territories, remove all the Hungarian officials who refused to take the oath of allegiance to the ruler of the invaders, denationalize the Hungarian schools, and discharge the Hungarian professors and teachers who could or would not teach in the language of the invaders. Exactly the same procedure was followed later by the Czechs who, under the pretext of "occupying strategically important points," overran and formally annexed northern Hungary. Of course, all this was contrary not only to the law of nations, but also to the specific provisions of the armistice; nevertheless, the Allies approved of it and paid no attention to Károlyi's frantic notes of protest.

But the Roumanians were not satisfied with occupying and annexing those parts of Hungary which lie south of the line of demarcation. Having made sure of it that

Hungary had disarmed herself, they transgressed the line of demarcation and gradually advanced to the river Tisza, getting what they styled the "imperium," or sovereignty, over all the coveted Hungarian territory except two counties in the south held by the Serbians. This disgraceful war on a disarmed country during a period of armistice is without a parallel in modern history; it was illegal, dishonorable, and cowardly. Yet the Allies approved of it, made Károlyi's position more and more untenable, and finally drove what was left of Hungary into the arms of Bolshevism, which could have been easily averted by the application of a little horse sense, not to speak of justice and humanity.

Two of the many authentic reports of incidents illustrative of the Roumanian idea of government and the rights of racial minorities are given here.

A few days after last Christmas an Hungarian captain walked with his wife on the main street of Kolozsvar, the capital of Transylvania, which is a purely Hungarian city, rich in historical associations dear to every Hungarian, and is, by the way, a good distance beyond the line of demarcation. A Roumanian patrol was passing by, and the lady observed to her husband in Hungarian that yesterday she had seen these same fellows, who were wearing new Hungarian uniforms and boots, in ragged clothes and worn-out moccasins, whereupon the soldier in charge of the patrol, who had overheard the remark, placed the captain and his wife under arrest and marched them off to headquarters. There the lady and her husband were stripped by soldiers and 25 strokes of the birch were administered on their bare bodies.

This was reported with full names and other data to Prof. Coolidge, of Harvard University, who, as an expert attached to the American peace commission, spent a few days in Budapest in January last. It was, further, reported to him that the Serbians had also introduced flogging as a punishment in those regions of Hungary which were occupied by them.

The other incident is reported in a letter from a professor of the University of Kolozsvar to the editor of the London Nation and published among the editorials of that periodical on July 12, 1919. It reads:

"On May 10 the Roumanians, relying on military force, declared our university to be the property of the Roumanian State, and invited our professors to take the oath of fidelity to Roumania and its King. Relying on international law we unanimously refused to commit such an act of treason to the fatherland. Thereupon, 48 hours after the dispatch of their demand, our university was surrounded, during lesson time, by armed forces. The professors were expelled from their chairs, our laboratory equipment was seized, and nearly 2,500 students were dispersed by the immediate suspension of our university life. Furthermore, the assistant professors and staff were forced, on pain of immediate expulsion, to remain in their places and continue their clinical work under the control of their old students of Roumanian nationality.

"It is needless to add that all this is contrary to international law. It is enough to remind you that, according to the fundamental principles of international law, every military occupation previous to the conclusion of peace is merely temporary, and has no judicial consequences. Furthermore, article 75 of the Hague Convention expressly forbids any citizen of occupied territory from being invited or forced to take the oath of allegiance to the conquering power, while article 56 provides that the property of schools and scientific institutes, even if they belong to the State, must be considered to be private property."

The Czechs are reported to have acted in the same way toward the universities of Pozsony and Kassa, two large, important and historically prominent Hungarian cities, in which the Slovaks form only an insignificant part of the population.

Károlyi was an extreme pacifist who was opposed to armed resistance, taking the ground that the occupation of Hungary was only temporary and the Allies would in the end right the wrong. Béla Kun thought differently and organized a "Red" Army—whether in excess of the six divisions allowed in the armistice or not, we do not know—with which he tried to regain some of the territory illegally taken away from Hungary during the armistice. He appears to have been successful against the Czechs, nevertheless ceased his attacks when so ordered by the Allies. When his government in Budapest was finally overthrown the "Red" Army collapsed, and the Roumanian army, standing on the eastern bank of the Tisza near Szolnok, viz., several hundred miles beyond the line of demarcation, crossed that river, marched on Budapest and even crossed the Danube into western Hungary. It was one of those easy Roumanian "conquests," for there was no armed force to resist them, and, as has been reported, they made the most unscrupulous use of their opportunities.

This outrage incensed even the supreme council in Paris, which is perhaps beginning to see that the sport which disarmed Hungary had been carried too far. But Roumania, which at first was the ally of Austria-Hungary, then went over to the

Allies, then made a separate peace with the Central Powers, and at the conclusion of the armistice was an humble supplicant before the Allies, snaps her fingers at them now that she has plenty of food and a large army in the field with nobody to oppose it.

There matters now stand. Hungary is still blockaded; she is cut off from all communication with the outside world; famine and idleness still continue in a naturally rich country, and whatever is left there the Roumanians are taking away by force.

I. THE HISTORICAL ASPECT.

In judging the case of Hungary, care should be taken not to confound it with that of Austria. The Empire of Austria, which has never lawfully included the Kingdom of Hungary, came into existence only in 1804, and was a conglomeration of former kingdoms, principalities, and duchies, or parts of them, added by the Hapsburgs to the original archduchies of lower and upper Austria through conquest, marriage, or fraud. Austria has never been a nation, has never had a language of her own, and is now being dissolved into her constituent parts, or into groups of such parts, which can hardly be objected to on historical grounds.

Hungary, on the other hand, has been a homegeneous country practically within her present boundaries for more than a millennium, has had a distinct language of her own, and can not be dissolved into her constituent parts, because she has no constituent parts, except Croatia, which had been a separate crownland of Hungary, with a high degree of national autonomy or home rule. This, however, did not satisfy the Croatians, whose aspirations were for complete independence, which was freely granted them by the recent Károlyi Government. Hungary proper (viz, Hungary without Croatia) can thus be only dismembered or partitioned even as Poland had been partitioned in the eighteenth century.

References to "the Maramouresh," "the Krishana" (this name is unintelligible to Hungarians), Transylvania, "the Banat," or "the Bachka" are apt to mislead the uninitiated into the belief that these terms denote separate Provinces of Hungary, whereas these regions are integral parts of Hungary and, with the exception of the first and last named, which are two Hungarian counties, they form not even separate administrative units.

The basin of the middle Danube, encircled by the Carpathian Mountains, had been the tramping ground of a multitude of races—Celts, Teutons, Dacians, Goths, Slavs, Huns, Avars—during the great migration of nations. None of these races, not even the Roman, succeeded in establishing a permanent government in that region which nature itself has cut out to form one country. It was left to the Hungarians, or Magyars, who, under their leader Arpád, conquered that country toward the end of the ninth century, to rear there a solid fabric of government which has withstood all vicissitudes of fortune for a thousand years.

"The Hungarian Constitution," to quote the words of the greatest English authority on Hungary, the Hon. C. M. Knatchbull-Hugessen, "which has been obscured at intervals, violated at times, and suspended for a period, only to prove its indestructibility, is the product of no charter or fundamental statute, but is the result of a slow process of development, of a combination of statute and customary law which finds its nearest parallel in Great Britain. It is remarkable that two such different races should have proceeded on such similar lines as the Anglo-Saxon and the Asiatic people, which, both as regards language and primitive institutions, introduced an entirely new element into Europe. The four blows with the sword directed, at his coronation, to the four cardinal points, by every Hungarian king down to Francis Joseph, are an emblem and a recognition of the fact that the Magyar people has had to maintain itself by force of arms against the unceasing attacks of alien neighbors, and the fact that a few thousand wanderers from Asia were able to preserve their individuality and institutions in the midst of an ocean of Slavs, Germans, and Turks and obtained comparatively quickly a position of equality with members of the European family, argues the possession of exceptional military and political qualities, of exceptional cohesiveness, of a stoical capacity for endurance, and of a rooted confidence in themselves and in their future which no vicissitudes of fortune have been able to destroy. The alien jargon first heard by European ears twelve hundred years ago has maintained its existence in spite of the competition of German and Slav dialects, of deliberate discouragement, and temporary neglect and has developed into a language which, for fullness and expressiveness, for the purpose of science as well as of poetry, is the equal if not the superior of the majority of European tongues."

St. Stephen (907–1038) was the first ruler of Hungary to be converted to Christianity, and, having to choose between Byzance and Rome, he wisely chose the latter, thereby saving his people from absorption by the Slavs and his country from sinking to the level of the Balkan States.

In 1222 the Hungarian Diet wrung from a weak king the Bulla Aurea, or Golden Bull, which—in close resemblance to the Magna Charta of England, which preceded it only by a few years—is a fundamental charter of Hungarian liberty and one of the proofs of the great political capacity of the Hungarian race.

After the extinction of the male line of this house of Arpád (1308) the country was ruled for 200 years by kings from various dynasties, among whom Louis, the Angevine, surnamed the Great, whose dominion extended from the Black Sea to the Baltic, and Matthias Corvinus, surnamed the Just, son of John Hunyady, the Turk beater, were the most noteworthy.

The fight against the growing power of the Ottoman Empire had begun, and the lion's share of defending Christianity against the onslaught of Moslemism fell to Hungary. It retarded her own progress but facilitated the development of civilization in the West of Europe. In 1526, after the fateful Battle of Mohacs, the country was divided into three parts, to be reunited only after the final expulsion of the Turks at the beginning of the eighteenth century. One-third of the country fell under the sway of the Turks, Transylvania (southeastern Hungary) was ruled by Hungarian princes, and the rest was under the rule of the Hapsburgs.

Until 1867 the policy of the Hapsburgs had been twofold: To Germanize and Romanize Hungary, and, acting on their motto "divide ut imperes," to play off one race against the other. In the latter they succeeded only too well, but their other efforts failed against the indomitable spirit of the Hungarians in defending their nationality and religious freedom. There is only one absorbent civilization in Hungary, the Hungarian; and, while more than one-half of the people belong to the Catholic Church, Hungary is still the easternmost bulwark of Protestantism. The uprisings in the seventeenth and eighteenth centuries, led by Bocskay, Bethlen, and Rákóczi, were made just as much in the defense of religious liberty as of national independence.

In 1848 the Hungarians rose again against the autocracy of the Hapsburgs under the leadership of Louis Kossuth, the champion of European democracy.

The interest of the American people in the gallant struggle of Hungary was so great that President Taylor, in June, 1849, sent a "special and confidential agent" to Hungary in the person of Ambrose Dudley Mann, of Virginia, who, however, arrived too late, for Russia, the greatest military power of the age, had intervened in favor of the Hapsburgs, with Great Britain and France looking on without a word of protest? (See Mann's report in Appendix A.)

In 1851 Kossuth, who had been freed from internment mainly through the efforts of Daniel Webster, was invited to the United States as the guest of the nation, and met with an enthusiastic reception, to which only that given to Lafayette may be compared. His tour of the United States failed in its principal object of securing American support for the next uprising of the Hungarians, and is now remarkable mainly for the fact that he was the first to advocate in America the very principles which President Wilson had been propounding, viz, the right of self-determination, a league of nations to protect it, the partaking of America in the affairs of the Old World, and the abolition of secret diplomacy as the root of all international intrigue.

It may be noted here, for its bearing on American history, that between three and four thousand of Kossuth's compatriots found an asylum in the United States, and when the proposition of a "government of the people, for the people, and by the people," was on trial, nearly 1,000 of them enlisted in the Union Army, a proportion not equaled by any other race. Their military prowess, intelligence, and devotion was proved by the fact that out of this handful of Hungarians two reached the rank of major general and five became brigadier generals.

In 1859 Louis Kossuth arrived at an understanding with Cavour and Napoleon the Third to carry the Austro-Italian War into Hungary, whereupon the Hungarians would rise again to expel the Hapsburgs. But Napoleon, getting frightened by his own success, broke his word, and concluded the premature peace of Villafranca, thereby shattering all hopes of the Hungarians.

Having been forsaken by the western powers three times, in 1849, 1852, and 1859, is it to be wondered at that Hungary finally consented to the compromise of 1867 with Austria and the Hapsburgs, which restored—at least on paper—her constitution?

Hungary's unfortunate connection with the Hapsburgs, forced upon her by the attitude of the western powers and the threatening Russian peril, led inevitably to the alliance with Germany. That the Russian or Slavic peril to Hungary was not imaginary has been proved by recent events.

In the condemnation of Hungary for having entered the German alliance these facts must not be lost sight of. It should also not be forgotten that under the political arrangement between Austria and Hungary, known as Dualism, Hungary had no control of her foreign policy and of her army.

Of the four claimants to Hungarian territory two, viz Serbia and German Austria, have—as far as is known to us—not based their claims on historical grounds.

The Bohemians, or Czechs, have made some allusion to the semimythical Moravian Empire of Svatopluk, which is alleged to have extended over parts of northern Hungary and been disrupted by the incursion of the Hungarians in the 9th century. The Slovaks, it is alleged, are the descendants of Svatopluk's Moravians.

The Roumanians have advanced a more definite claim to priority of occupation in the theory of their descent from the Daco-Romans, who had lived in Transylvania before the migration of the nations. The Roumanian claims are treated more fully in Appendix B.

Both of these theories have been proved by historical research to be false. But even if they were not false the principle of priority of occupation has never been defined in the law of nations. How many years of occupation is required to establish a valid title to a country? One hundred years, or 500 years, or more? If occupation for a thousand years is not acknowledged to be a valid title to a country, then we may be called upon some day to relinquish our title to Texas, and California, and other parts of the United States in favor of Mexico, or Spain, or the Indians, and the whole map of Europe may have to be made over, too. And it is certainly the height of absurdity to go back for a title to a country to a period before the migration of the nations, even if the continuity of the race dispossessed by several subsequent conquerors could be proved.

At the time of the conquest of Hungary by the Hungarians, or Magyars, the country was sparsely settled, and the non-Magyar races were speedily absorbed by them. All the non-Magyar races now living in Hungary are later immigrants. The Magyars have built up and maintained the State for a thousand years and have stamped their civilization on the whole country.

On historical grounds, therefore, only the Hungarians, and no one else, have any right to Hungarian territory.

II. THE RACIAL OR ETHNOGRAPHICAL ASPECT.

Hungary proper covers a territory of 109,216 square miles with a total population of 18,264,533.

Racially the Hungarian, or Magyar, race predominates, making up 54.5 per cent, i. e., more than one-half, of the population and being numerically more than three times as strong as the next race in numbers, the Roumanians. Of the urban population fully 76 per cent are Magyars. But it is not numbers alone that count, and the Magyars—to use the words of Daniel Webster—"stand out from it above their neighbors in all that respects free institutions, constitutional government, and a hereditary love of liberty." (See Appendix A.)

The central plains of Hungary are populated almost wholly by the Magyars. Toward the peripheries their numbers diminish, although right on the Hungarian-Roumanian border there are three counties almost entirely Magyar. But they are present everywhere, and in the peripheries the various races are so intermingled that it is impossible to cut out large territories on a racial basis without incorporating large minorities of other races, which of course object to such incorporation.

The dismemberment of Hungary has been proposed in order to secure the right of self-determination of small nations. The perusal of the statistical table and map attached hereto will easily convince everybody open to conviction that the claims put forward by the imperialistic neighbors of Hungary, and apparently approved at Paris, can not be justified on the basis of that principle. On the contrary, those claims are direct denials of the right of self-determination, for in each of the sections claimed by the four neighboring countries the particular race claiming it is in the minority. Neither is it in accord with the facts that by the proposed dismemberment of Hungary the Magyar race would be confined to its ethnic limits, for in the territories to be wrested from Hungary the Magyars would have a very large plurality and, together with the German element, would form a majority. The ethnic limits of the Magyar race are hard to define: they certainly reach beyond the boundaries of Hungary into Roumania and Croatia.

	Square miles.	Population.							
		Total.	Magyars.		Germans.		Slovaks.	
			Number.	*Per cent.*	*Number.*	*Per cent.*	*Number.*	*Per cent.*
Claimed by Roumania	49,979	6,841,379	2,429,446	35.5	742,655	10.8	127,038	1.8
Claimed by the Czechs	25,540	4,079,515	1,577,015	38.7	468,796	11.5	1,653,341	40.5
Claimed by Serbia	15,829	2,950,457	1,220,560	41.6	680,644	23.0	50,248	1.7
Claimed by Austria	8,895	574,343	367,746	64.0	144,708	25.2	1,364	.3
	100,243	14,445,694	5,594,767	.....	2,036,803	.....	1,831,991	.....
Less—								
In dispute between Roumania and Serbia	6,737	1,115,986	208,365	18.7	331,662	29.7	19,223	1.7
Less—								
In dispute between Austrians and Czechs	8,895	574,343	367,746	64.0	144,708	25.2	1,364	.3
Total claims	84,611	12,755,365	5,018,656	39.3	1,560,433	12.2	1,811,404	14.2
Total of Hungary	109,216	18,264,533	9,944,627	54.5	1,903,357	10.4	1,946,357	10.7
Remainder	24,605	5,509,168	4,925,971	89.4	342,924	6.2	134,953	2.5

	Square miles.	Population.									
		Roumanians.		Ruthenians.		Croatians.		Serbians.		Others.	
		Number.	*Per cent.*	*Number.*	*Per cent.*	*Number.*	*Per cent.*	*Number.*	*Per cent.*	*Number.*	*Per cent.*
Claimed by Roumania	49,979	2,939,201	43.0	199,232	2.9	5,762	0.1	291,093	4.3	106,952	1.6
Claimed by the Czechs	25,540	2,400	.....	253,404	6.2	57,834	1.5	388	.....	66,337	1.6
Claimed by Serbia	15,829	256,499	8.7	10,810	.3	113,822	3.8	427,876	14.5	189,998	6.4
Claimed by Austria	8,895	51	.....	57	.....	55,206	9.6	28	.....	5,183	.9
	100,243	3,198,151	.....	463,503	.....	232,624	.....	719,385	.....	368,470	.....
Less—											
In dispute between Roumania and Serbia	6,737	255,967	22.9	41	.....	4,553	.4	269,655	24.2	26,520	2.4
Less—											
In dispute between Austrians and Czechs	8,895	51	.....	57	.....	55,206	9.6	28	.....	5,183	.9
Total claimed	84,611	2,942,133	23.0	463,405	3.6	172,865	1.4	449,702	3.5	336,767	2.8
Total of Hungary	109,216	2,948,186	16.1	464,270	2.5	194,808	1.1	461,516	2.5	401,412	2.2
Remainder	24,605	6,053	.1	865	.....	21,943	.4	11,814	.2	64,645	1.2

The Roumanians claim nearly one-half of the territory of Hungary, 26 counties out of 63, with a total population of nearly 7,000,000, out of which not quite 3,000,000, or 43 per cent, are Roumanians, and many of them are disinclined to be ruled by the boyars, as the junkers of Roumania are called. In the 15 counties of Transylvania (southeastern Hungary) alone the Roumanians have indeed a bare majority, but it is right there on the southeastern border that large contiguous territories are peopled by Székely Magyars and Saxon settlers.

In practically all the towns of 10,000 and over the Magyars are in the majority, and in the few instances in which they are not, the majority is German. Yet the Roumanians claim such important Magyar cities as Maros-Vasarhely, Nagyvarad, Szatmar, Arad, and—last but not least— Kolozsvar, the capital of Transylvania. Kolozsvar, the Precious (Kincses Kolozsvar), as the Hungarians love to call it, is a beautiful city full of historical associations dear to the hearts of all Hungarians; it has a university, several colleges, museums, and libraries, it is the center of the Unitarian Church in Hungary, and a commercial emporium as well. All that has been created by the Magyars through the work of centuries. The Roumanians have had no part in it, constituting only 12 per cent of the population.

It is an admitted fact that the Roumanian people of Hungary are on a much higher level of civilization both as to literacy and to wealth than their brethren in the Kingdom of Roumania, where they surely can not complain of racial oppression. The same applies, even in a higher degree, to the Serbian people of Hungary as compared with the people in the Serbian Kingdom.

The claims of Serbia to Hungarian territory rest on a still more slender basis than those of Roumania. Apart from the fact that the Serbians of Hungary are descendants of refugees who had found there an asylum against Turkish oppression, they form only a small minority of the population of the regions claimed. Their claim embraces 15,829 square miles with a population of nearly 3,000,000, of whom only 427,876, or 14.5 per cent, are Serbians, and 113,822, or 3.8 per cent, are Croatians. Even if we suppose all the smaller races collected in the census under the heading of "others" to be Shokatses, Bunyevatses, and Slovenes, races kindred to the Serbians, the total of all Jugo-Slavs in the regions claimed would be less than 25 per cent.

It is worthy of note that in the territory which both Serbia and Roumania claim, the so-called Banat, neither the Jugo-Slavs nor the Roumanians have even a plurality. According to newspaper reports, in this region the city of Temesvar has been awarded to Roumania and the city of Versecz to Serbia. In the former the Roumanians constitute only 10.4 per cent, in the latter the Serbians constitute only 31.4 per cent of the population.

The Czech claims, as originally formulated, were based on the principle of race, and comprised only that part of northern Hungary in which the Slovak people were numerically predominating. Even that was contrary to the right of self-determination, for the majority of the Slovak people of Hungary want no union with the Czechs. They said so openly in their national meeting held at Kassa in December last, declaring that the Slovaks are a nation free and independent from both Bohemia and Hungary, but recognizing the force of economical laws they would be willing to enter into a federation with the rest of Hungary.

Later, however, the Czechs threw the ethnic principle overboard and increased their demands so as to join hands in the northeast with the Roumanians, and in the west, by setting up a "corridor" with the Jugo-Slavs, no matter what foreign races they would have to incorporate in their new empire. Thus the remainder of Hungary would be surrounded by an iron ring of Slavs and Roumanians, and cut off from direct communication with western Europe. The Czechs claim from Hungary now a territory of 25,540 square miles with a total population of over 4,000,000, of whom only 1,653,341, or 40.5 per cent, are Slovaks, hardly more than the Magyars in the same regions.

They, too, want to incorporate in their new empire a number of important Magyar cities, such as Pozsony and Kassa, for instance, both being Hungarian university towns and the centers of culture and trade for large regions. These two cities are also rich in historical associations, the former having been the seat of the Hungarian Diet for centuries, where many kings of Hungary had been crowned, and the latter having been prominently connected with the war of liberation led by Francis Rákóczi, whose earthly remains rest there in the beautiful old cathedral. The Slovak element in these and many other towns is almost negligible.

It is worthy of note that in Bohemia the Czechs insist on the historical principle in order to keep German Bohemia within their country. In Hungary, however, they refuse to acknowledge the historical principle, for on the historical principle the territorial integrity of Hungary would, of course, remain intact.

The "corridor" in the west of Hungary coveted by the Czechs is claimed also by German Austria, and, according to newspaper reports, will be awarded to the latter. This territory covers 3,434 square miles, with a population of 574,343, of which only 144,708, or 25.2 per cent, are Germans, while 367,746, or 64 per cent, are Magyars.

Should all the claims be satisfied, there would remain to Hungary only 24,605 square miles (out of 109,216) with a population of 5,509,168 (out of 18,264,533). Less than one-half (4,925,971) of the Magyars would belong to this "New Hungary," while the larger half of the race (5,018,656) would have to live in foreign countries or be forced to emigrate from what had been their homes for many centuries.

The statistical data used here were compiled from the Hungarian census of 1910, there being no later figures to go by. Since the charge has repeatedly been made—without producing any proof—that the Hungarian statistics is unreliable, and that the returns as to the mother tongue, or nationality, had been falsified to favor the Magyar race, some authentic information on the subject is submitted in Appendix C.

In an attempt to justify the partition of Hungary the argument has been advanced at the minor races (or, rather, some of the minor races) of Hungary have to be "liberated" from the oppression by the Hungarians. The charge of racial oppression by the Hungarians, however, is not borne out by the facts, for whatever oppression there had been in Hungary, had been on class lines and not on racial lines. The

masses of the Hungarians, or Magyars, had to suffer from it just as much as had the masses of the non-Magyars; and whosoever managed to rise above the masses, belonged to the ruling classes without regard to race or creed.

The attitude of the Hungarian Government toward the non-Magyars (who are immigrants or the descendants of immigrants) had been the same as that of our own government toward the non-English-speaking immigrants. Perfect equality before the law, but no recognition as racial groups or states within the state. What is right if done by the American Government in America, surely can not be wrong if done by the Hungarian Government in Hungary.

As a matter of fact, the Hungarian Government had gone a great deal further in its liberalism, for it granted considerable subsidies for the maintenance of the ecclesiastical and educational establishments of the non-Magyar races. There were thousands of schools in which the language of instruction was other than Hungarian, it being stipulated only that the Hungarian language be also taught as a subject of instruction three hours a week.

In 1917 the Roumanians of Hungary had 5 theological seminaries, 6 preparatory schools, 4 colleges, 1 high school, 1 commercial high school, 1 manual-training school, and more than 3,000 elementary schools, for the support of which they received 7,767,765 crowns from the Hungarian Government, which in the same year paid them also 7,746,533 crowns for the support of their ecclesiastical establishments, or altogether about 15,000,000 crowns ($3,000,000), while an equal number of Calvinists, or Presbyterians—an almost purely Magyar community—received only 11,000,000 crowns.

If we take further into consideration that the Roumanian churches of Hungary enjoyed complete autonomy and that the Roumanians in Hungary had also a chain of prosperous banks, used to a considerable extent for illegitimate political propaganda, it must be evident to everyone that the story of racial oppression in Hungary is a malicious falsehood.

This had been also the prevalent opinion in the English-speaking countries up to the conclusion of the entente cordiale between Great Britain and France, or the change of British foreign policy from anti-Slavism to philo-Slavism. About that time, as if by a hint from Downing Street, a series of attacks were launched against Hungary by Scotus Viator (Mr. Seton Watson) and his followers, casting the shadow of the coming world war before it.

A vindication of the Hungarians from the charge of racial oppression has come recently from an entirely unexpected quarter, the supreme council of the principal allied and associated powers. It is demanding certain guaranties from the new States for the protection of racial and religious minorities, embodied in articles 7, 8, and 9 of the treaty with Poland, as published in the newspapers. Anyone familiar with that most troublesome of questions, the "nationality question of Eastern Europe," will see at once that those articles are but an extract from the Hungarian Act 44 of 1868, commonly known as the nationality law. Their essence is: "Cultural autonomy" for the minor races, but only one State and one State language. Roumania refused to subscribe to those articles. Evidently she does not intend to give her new Hungarian subjects the same rights which the Roumanians have enjoyed in Hungary.

But even if the charge of racial oppression were true, as it is not, the principle that immigrants have the right to invoke the assistance of the country whence they had immigrated against their country of adoption, could hardly be recognized by our Government. On that principle the Germans of Missouri and Wisconsin, in which States they were, and perhaps still are, in the majority, could have invoked the help of the Kaiser for the annexation of those States to Germany, or at least for their "liberation" from American rule.

It is also to be noted that each of the four neighboring countries of Hungary is strenuously opposed to submit its claim to the verdict of a plebiscite under fair conditions, thus admitting the weakness of its case. Each wants the right of self-determination to be applied only to its own race to the exclusion of the Magyars and of other races of Hungary, whereas President Wilson, in his address to Congress of February 11, 1918, distinctly declared that "Peoples and Provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game."

And in his speech to the Diplomatic Corps on the 4th of July of last year President Wilson solemnly announced that one of the four ends for which the associated peoples of the world were fighting was "the settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery."

It is evident, then, that the partition of Hungary on a racial or ethnographic basis is not only inexpedient and impracticable, but is also in contradiction to the requirements of justice and morality.

III. THE RELIGIOUS ASPECT.

Hungary has been the land of religious liberty par excellence. Although the Hapsburgs for three centuries tried to Germanize and Catholicize Hungary, their efforts failed against the indomitable spirit of religious and political liberty of the Hungarians, and it is a remarkable fact that in the various uprisings of the Hungarians against Hapsburg autocracy the Catholics fought side by side with their Protestant brethren for the liberty of conscience. In 1568, when Transylvania was a separate Hungarian principality and not yet under Hapsburg rule, the Transylvanian Diet at Torda enacted the legal equality of all Christian denominations in the country, thus creating a precedent which was followed by western Europe only much later.

To Hungary fell also the lot of protecting Christianity against the onrush of Turk and Tartar, and while through these wars her own progress was retarded, she helped the development of Christian civilization in the west of Europe.

Hungary has to this day remained the eastern bulwark of Protestantism. East and south of Hungary there is no Protestantism and hardly any Roman Catholicism, for there the Greek Orthodox Church prevails, whose antagonism to western Christianity and whose religious intolerance are well known.

In Roumania and Serbia the Greek Orthodox Church is the state church, and creed and race go there together. Roumania particularly has been notorious for her religious intolerance both to the Protestants and the Hebrews.

When we deal here more particularly with the fate of the Protestant churches, it is for the reason that the Church of Rome has a most admirable international organization which can do a great deal for the protection of her adherents. The Protestant churches, on the other hand, are national organizations which would be entirely disrupted by the partition of Hungary.

In Hungary proper, according to the census of 1910, there were a little more than four million Protestants divided as to denominations as follows:

Reformed (Presbyterians)	2,603,381
Lutherans	1,306,384
Unitarians	74,275
Baptists, Methodists, Adventists, etc	17,066
Total	4,001,106

The Presbyterians and Unitarians are almost exclusively Magyars, the Lutherans are about equally divided among the Magyars, Germans, and Slovaks. The Presbyterians and the Unitarians have entertained close relations with their brethren in Great Britain and the United States for centuries, and the Reformed Church of Hungary is also a member of the world alliance of churches holding the Presbyterian system of government.

In the 26 counties claimed by Roumania 1,526,597 people, or 22.3 per cent of the population, are Protestants. In the 15 counties of Transylvania alone there are 696,089 Protestants, or 26 per cent of the population.

In the 26 counties there are 25 colleges maintained by, or connected with, the Protestant churches, besides a large number of grammar schools and elementary schools. All these institutions would be in danger of losing their Protestant character, if not of total extinction under Roumanian rule. And counting in the losses of the Hungarian Protestant churches in the other territories, which it is proposed to wrest from Hungary, the remainder of the churches would be practically crippled and unable to continue a healthy life, being stripped of more than half of their educational institutions and congregations.

The Lutheran Church of Hungary would lose at once all of her theological seminaries and colleges, those of Sopron, Pozsony, and of Eperjes, institutions that have served from the time of the Reformation for the training of her ministers. This same church, deprived also of the majority of her adherents, would see her very roots cut off.

A similar fate would befall the Reformed Church of Hungary. She would lose, apart from her law-college at Marmaros-Sziget, the theological seminaries and colleges at Sarospatak, Maros-Vasarhely and at Kolozsvar. The latter was founded originally by the great Prince Gabriel Bethlen, the victorious ally of Gustavus Adolphus. Among the teachers, who made it famous, we find Alstedius, Bisterfeld, Isaac Basire, and other renowned men. The Sarospatak College was founded as a Protestant institution at as early a date as 1550, and it was here, that J. A. Comenius, the great reformer of education, taught. Alone in her Transylvanian district the Reformed

Church would lose further 7 colleges, 3 preparatory schools, 1 girls' secondary school, and about 600 primary schools. More than a thousand, that is half of the total number, of the congregations of the Reformed Church would become scattered under the foreign rule of different countries. It need not be said that this would completely paralyze this hitherto most numerous unit of the Calvinistic Church in Europe.

The Unitarian Church would fare still worse, if possible. In spite of the fact that her members are exclusively Magyars, all of her congregations, with the exception of three, would come under Roumanian rule. This unit referred to in Britain and in America as the oldest one of the Unitarian Church, holding always a leading part in the cultivation of liberal thought, would be doomed to complete ruin. And what could the Baptists, Methodists, Adventists, and other denominations, less important in numbers than on account of their lively missionary activity, except should they come under the rule of Roumania and Serba? The priests of these countries never ceased to emphasize that it was disloyal for a Roumanian or a Servian to follow any other creed than the Orthodox.

What this unfortunate situation means for Protestanism, any one familiar with church history will readily understand. It means danger to all the lofty principles represented by Protestantism, and it means the triumph of empty rites, ceremonies, and priestcraft represented by the Greek Orthodox Church. It means the victory of eastern superstitution over the civilization of the West.

That the spirit of the East is not an imaginary danger to western civilization is shown by the fact that one of the first things the Roumanians did after entering Transylvania was to arrest and imprison the bishop, or superintendent, of the Hungarian Reformed Church, Charles Nagy, D. D. In many instances, when they occupied an Hungarian town, they ordered the clergymen to offer thanksgivings in the churches. The minister or priest who refused to comply with the order was simply thrown into prison.

And, according to the Manchester Guardian of March 17, 1919, the Roumanian army of invasion has made captive some other religious leaders of Transylvania, including Joseph Ferencz, the Unitarian superintendent, who is 87 years old; Samuel Barabas (Calvinist), Matthias Eisler and Morris Glasner (Hebrew rabbis), Prof. Alexius Boer (Calvinist), and Julius Arkosy (Unitarian inspector of schools).

In the lights of these facts the refusal of M. Bratianu, the premier of Roumania, to subscribe to the guaranties for the protection of racial and religious minorities is not difficult to understand.

The partition of Hungary would sound the deathknell to Protestantism in the east of Europe.

IV. THE ECONOMICAL ASPECT.

The late French geographer and savant, Prof. Reclus, remarked in one of his books that Hungary is the most compact geographical unit in Europe. A glance at the map will convince everybody of the truth of this statement. The Carpathians form a solid mountain wall around two-thirds of the country, and for the other third the Danube, Drave, Lajta, and Morava Rivers are the natural boundaries.

The whole country belongs to one hydrographic system, there being only three unimportant streams which do not join the Danube or its tributaries within its boundaries.

It is rich in natural resources which, however, are so distributed that the different regions are economically interdependent. The great central plain is a most fertile grain-producing region, but has practically no timber and minerals. Northern and northeastern Hungary is rich in timber, coal, iron ore, and salt, but is a poor agricultural country. Southeastern Hungary has natural gas (which indicates the presence of oil), coal, salt, copper, gold, and silver mines, but being mostly mountainous, does not produce sufficient quantities of cereals. Each region needs products of which the other regions have a surplus. Separately they can not exist, together they form a fine, self- supporting organism.

The proposed partition of Hungary would leave to her only a part of the central plain.

The only hard-coal mines, those around Petrozseny, would go to Roumania. The next best coal mines, in the vicinity of Salgo-Tarjan, are coveted by the Czechs; and the coal mines in Baranya County are demanded by the Serbians. Hungary would retain only the soft-coal mines around Esztergom, which can not produce enough to supply the railroads, leaving nothing for heating and the lighting and manufacturing plants.

All the iron-ore fields and the splendid iron works at Diosgyor, Ozd, and other places, which owe their development to Hungarian brains and money, would be lost to the Czechs. Eighty-six per cent of Hungary's wool industry would go to the Czechs and nearly all of the rest to Roumania. The latter country would also get more than one-half of Hungary's cellulose and paper factories.

While more complete statistical data are not at present at our disposal, it is clear even from the above facts that the "new Hungary" would be stripped of practically all her resources of raw material and the greater part of her industries. She would have no outlet to the sea and, with no natural boundaries, would be condemned to economic strangulation by her selfish and imperialistic neighbors.

It is also worthy of note in this connection that, while Germany was deprived of only 10 per cent of her continental territory and that 10 per cent consists of comparatively recent conquests, Hungary is to lose 80 per cent of her territory, all of which she has held for a thousand years.

Is Hungary, which played a subordinate part in the great drama, to be punished eight times as severely as Germany, the chief actor and manager?

V. THE POLITICAL OR INTERNATIONAL ASPECT.

Coming to the political aspect of the readjustment of the world's affairs, in its relation to the proposed mode of disposal of Hungary's territory, there can hardly be any dissent of opinion as to the truism that the permanency and stability of peace depends to a very large extent on the permanency and stability of the politically organized bodies; i. e., States, as they will emerge from the peace treaties.

The logical sequel of this truism is that in deciding if any political changes ought to be made, the first and paramount consideration should be whether the proposed changes will add to the permanency and stability of conditions. It seems to be quite apparent, therefore, that even though the political status as it existed before and during the war should be adjudged as unsatisfactory, no changes should be permitted that will make matters worse instead of improving them.

Applying these truths to Hungary, this question has to be faced:

Will the interests of mankind and of all involved races, and in particular the interests of a permanent peace be better served by the disturbing of the territorial, historical, political, and economic unity of Hungary and by the substituting for the natural boundaries new boundaries that can not do full justice to everybody or to anybody, no matter how carefully they are drawn, than by leaving this territorial, historical, political, and economic unit undisturbed and by giving a new, truly democratic Hungarian Republic an opportunity to assure the free development of all races, on the lines laid down by the allied and associated powers in the treaty proposed for Poland and which lines are identical with the fundamental principles concerning the protection of racial minorities as incorporated in the laws of Hungary?

In order to get the proper answer to this question, the following undisputable facts are to be considered:

1. As hereinbefore shown, Hungary proved, for over a thousand years, her ability to maintain a politically well-organized state in a part of Europe where no other race succeeded in that task before.

2. The goal of Hungary has always been, as it has been demonstrated by her history and laws, to be a politically one nation, even though composed of many races, all these races to enjoy all liberties and rights as long as they do not conflict with the interests of the politically one nation. That this goal has been a just one is best proved by the fact that in creating new nations the Paris conference tries to enable them to reach that very goal. It may be added that whatever errors may have been committed by Hungary in the treatment of her nationalities, whatever wrongs the various races may have been complaining of, were solely due to the zeal to realize such a goal, such an ideal. New Hungary certainly profited by the errors of the past and has learned that the old ideal must be adapted to the new conditions, to the new thoughts dominating the world.

3. Hungary has given the evidence of centuries of her total lack of imperialistic tendencies and of her sole desire to protect her own national existence, with due respect for all her neighbors and without any designs on any part of their territory. This is in sharp contrast with the decidedly imperialistic tendencies of her neighbors, all of whom would like to aggrandize themselves not only at the cost of Hungary, but also at the cost of each other. And inasmuch as the peace of the future demands, primarily, the elimination of all imperialism, Hungary's territory can only be saved from becoming the battle field of imperialism by leaving it in care of the only nation in that part of Europe which is absolutely free of all taint of imperialism.

The claimants of Hungarian territory try to overcome this very apparent weakness of their political aspirations by pleading that the disruption of Hungary is required:

(*a*) In order to establish democracy in that section of Europe, and (*b*) to erect a wall against German imperialism.

Both pleas are without any real foundation and can easily be disposed of.

(*a*) Although the propaganda maintained by Hungary's neighbors in this country in the last few years exerted all its efforts to make the American people believe that the Hungarians are a race of oppressors, real "Prussians," who have no respect for the rights of people, the fact remains and can be proved by all recognized books on history in all civilized languages, that no country and no race is better fitted, more able, and better prepared to champion the cause of true democracy in eastern and southeastern Europe than Hungary and the Magyars.

It should not be forgotten that, next to England, Hungary has the oldest constitution. It should not be forgotten that, for many centuries, these two constitutions were the only safeguards of peoples' rights against the kings' prerogatives, and so really were the forerunners of modern democracy. Neither should it be forgotten that, when in the sixteenth century the revival of Roman law in its Pyzantine form brought an invasion of ideas of despotism and absolute rule all over Europe and so crushed all the free institutions of the mediaeval nations, it left standing alone two constitutions, the English constitution and the Hungarian constitution.

Finally, it should not be forgotten that this very reason caused these two nations to be among the last ones to adopt such suffrage laws without which no real democracy is possible. History teaches that a period of autocracy led most everywhere (we speak of Europe, of course) to the establishment of truly democratic institutions. There were no periods of autocratic rule of sufficient length in the history of Hungary to cause such changes, and as a result the introduction of modern democracy became a rather slow process, which slowness, however, does not reflect upon Hungary's readiness, adaptability for real democracy, and does not justify the recent attacks against the Hungarian nation, accusing her of shamming democracy for the hidden purpose of perpetuating what the accusers like to call the rule of the aristocratic classes.

A comparison of Hungary's history with that of her neighbors, of Hungary's laws and institution with those of her neighbors, of the condition of the tillers of the soil and of the laboring men in Hungary and in the territories of her neighbors, of Hungary's civilization with that of her neighbors, will readily given the only possible answer to the question: Which State, which race can best be intrusted with the important task of making democracy safe in that part of the world?

(*b*) The plea of the Czechs, of Roumania, and Serbia that Hungary must be dismembered so that a solid wall could be erected against all possible future imperialistic designs of Germany, is apparently making the deepest impression in not too well versed circles, and yet this plea is the most futile, the most flimsy, the most ludicrous of all.

History shows that the Hungarian nation has been ever since its conception the natural opponent and counterbalancing factor of Germanism. In fact, while compelled, first by the Turkish peril, and in the second half of the nineteenth century by the Russian danger and by the refusal of the Western Powers to stand by her, to accept the Hapsburg rule, Hungary had to keep on and did keep on a continuous fight against the tendency of the Hapsburgs to Germanize Hungary and to make her an Austrian, and thereby practically a German Province with an autocratic government. This attitude of Hungary and of the Magyars deseves all the more appreciation in the disposal of Hungary's fate, as it is to be remembered that the Croatians and Roumanians of Hungary have always courted the favor of the Hapsburgs, not offering any resistance to their Germanizing tendencies, and becoming willing tools of their plans of absolutism.

The Hungarian wall has proved its worth for centuries. A Slavic and Roumanian wall is an unknown and, therefore, uncertain factor. Only a strong and self-supporting Hungary, independent from the German Hapsburgs, can form a secure and stable barrier against Germany's "Drang nach dem Osten." And such a Hungary would do more. She would also be an effective bar, and the only possible bar, against all imperialistic tendencies of her neighbors, which must be considered a very disturbing element for the future.

Furthermore, the Hungarians belong neither to the Teutonic nor the Slavic nor the Latin group of races, and seem thus to be destined to form a buffer State amongst them.

The deeper one delves into the political aspect of the entire situation the more he must get convinced that the proposed disintegration of Hungary can not possibly ameliorate matters, and that it is the vital interest of mankind, of all involved races, and of permanent peace that Hungary should emerge from the present cataclysm as a strong, self-supporting State.

CONCLUSION.

To resume, we have established by the foregoing the following facts:

1. Hungary has existed as a State and a nation for over a thousand years in a territory where no other race had been able to establish and maintain a permanent political organization. Surely, possession of such length and the demonstration of such political capacity ought to secure a clear and undisputable title.

2. No other country has any claim on any part of Hungary that could be based on "historical rights."

3. The distribution of the various races in Hungary positively prevents any territorial readjustment, by which more homogeneous conditions could be created than existed till now.

4. Hungary has always been the land of religious liberty and tolerance. Roumanian and Serbian rule over large parts of Hungary would disrupt the Hungarian Protestant Churches and threaten protestantism with extinction in the east of Europe.

5. Hungary is a natural geographhic and hydrographic unit, to disturb which could not possibly help in stabilizing conditions.

6. Hungary is also a most distinct economic unit, all parts being interdependent. Separately they can not exist, together they are a self-supporting organism.

7. Not only would the cause of peace not be promoted by the partition of Hungary, but a new Balkan, or Macedonia, would be created right in the heart of Europe and become the source of permanent strife and complications.

8. Should the foregoing facts and circumstances be considered as of insufficient force and importance to bar the claims of neighboring nations, it certainly ought not to be permitted to have any part of Hungary placed under a new sovereignty without giving the peoples of such parts an opportunity to exercise the right of self-determination by plebiscites under fair conditions.

9. Hungary ought not to be dismembered in punishment because this would not be warranted by Hungary's acts and deeds before and during the war. Not only was she not able to keep out of the war, but developments since the armistice justified Hungary's claim that her existence had been in constant peril.

We feel that Hungary can be saved from destruction only by America, as the United States are the only powerful country which has not been a party to the immoral secret treaties upon which the claimants of Hungarian territory are pressing their claims.

In voicing our protest, therefore, against the proposed partition of Hungary as contrary to the demands of justice and incompatible with the requirements of a just and lasting peace, we respectfully ask the Senate of the United States to refuse to have our country become a party to the annihilation of a civilized nation.

Respectfully submitted.

HUNGARIAN AMERICAN FEDERATION,
HENRY BARACS, *President*,
EUGENE PIVÁNY, *Secretary*.

CLEVELAND, OHIO, *September 1, 1919*.

APPENDIX A. EXCERPTS FROM STATEMENTS OF AMERICAN AND BRITISH PUBLIC MEN.

In June, 1849, when Hungary, under the leadership of Louis Kossuth was battling heroically against fearful odds for freedom and independence, President Zachary Taylor appointed Ambrose Dudley Mann, of Virginia, "special and confidential agent to Hungary," and instructed him to report on conditions in that country with the view of acknowledging its independence. However, the dispatching of the American agent was of no assistance to Hungary which, abandoned by the Western Powers, had to succumb to the combined attacks of the two greatest military powers of the age, Austria and Russia.

In his message, dated March 28, 1850, transmitting the correspondence relating to Mann's mission to the Senate, President Taylor wrote as follows:

My purpose, as freely avowed in this correspondence, was to have acknowledged the independence of Hungary had she succeeded in establishing a government de facto on a basis sufficiently permanent in its character to have justified me in doing so, according to the usuages and settled principles of this Government, and although she is now fallen, and many of her gallant patriots are in exile or in chains, I am free still to declare that had she been successful in the maintenance of such a government as we could have recognized, we should have been the first to welcome her into the family of nations."

As Congressman Henry J. Steele, of Pennsylvania, recently said in a public speech, had Hungary then not been abandoned to her fate, the development of democracy in Central and Eastern Europe would have taken a different turn, and it would not have been necessary in 1917 "to make the world safe for democracy" by a sanguinary war.

The American agent sent to Hungary also felt that the abandonment of Hungary at that critical juncture was a fatal mistake. In his report to Washington, dated Vienna, September 27, 1849, he said:

"In not formally expressing her disapproval of the policy avowed in the manifesto of Nicholas of 14th May last, Great Britain either misconceived the nature of the obligations imposed upon her as the most liberal and enlightened of the European powers or was ignorant of the principles and interest involved in the issue. Had she proclaimed in emphatic language within 24 hours after this manifesto reached Downing Street that she was prepared to resist an armed intervention by any power adverse to Hungary, the Czar would scarcely have had the termerity to march his army across his frontiers. The deplorable omission of such duty changes completely the relations of power in European States."

Autocracy having been victorious, Louis Kossuth, the champion of European democracy, was interned in Asia Minor. In 1851 he was liberated, mainly through the efforts of Daniel Webster, and brought to the United States in a national vessel as the guest of the nation.

Daniel Webster, then Secretary of State for the second time, whose celebrated Hülsemann letter had nearly led to war with Austria on account of Hungary, was the principal American speaker at the congressional banquet tendered in honor of Kossuth in Washington, January 5, 1852.

"It is remarkable," he said in the course of his speech, "that, on the western coasts of Europe, political light exists. There is a sun in the political firmament, and that sun sheds his light on those who are able to enjoy it. But in eastern Europe, generally speaking, and on the confines between eastern Europe and Asia, there is no political sun in the heavens. It is all an Arctic Zone of political life. The luminary that enlightens the world in general seldom rises there above the horizon. The light which they possess is at best crepuscular, a kind of twilight, and they are under the necessity of groping about to catch, as they may, any stray gleams of the light of day. Gentlemen, the country of which your guest to-night is a native is a remarkable exception. She has shown through her whole history, for many hundreds of years, an attachment to the principles of civil liberty, and of law and of order, and obedience to the constitution which the will of the great majority have established. That is the fact, and it ought to be known wherever the question of the practicability of Hungarian liberty and independence are discussed. It ought to be known that Hungary stands out from it above her neighbors in all that respects free institutions, constitutional government, and a hereditary love of liberty.

* * * * * * *

"Gentlemen, my sentiments in regard to this effort made by Hungary are here sufficiently well expressed. In a memorial addressed to Lord John Russell and Lord Palmerston, said to have been written by Lord Fitzwilliams and signed by him and several other Peers and members of Parliament, the following language is used, the object of the memorial being to ask the mediation of England in favor of Hungary:

"'While so many of the nations of Europe have engaged in revolutionary movements, and have embarked in schemes of doubtful policy and still more doubtful success, it is gratifying to the undersigned to be able to assure your lordships that the Hungarians demand nothing but the recognition of ancient rights and the stability and integrity of their ancient constitution. To your lordships it can not be unknown that that constitution bears a striking family resemblance to that of our own country.'"

* * * * * * *

"Gentlemen, the progress of things is unquestionably onward. It is onward with respect to Hungary. It is onward everywhere. Public opinion, in my estimation at least, is making great progress. It will penetrate all resources, it will come more or less to animate all minds, and in respect to that country, for which our sympathies to-night have been so strongly invoked, I can not but say that I think the people of Hungary are an enlightened, industrious, sober, well-inclined community, and I wish only to add, that I do not now enter into any discussion of the form of government which may be proper for Hungary. Of course, all of you, like myself, would be glad to see her, when she becomes independent, embrace that system of government which is most acceptable to ourselves. We shall rejoice to see our American model upon the lower Danube, and on the mountains of Hungary. But that is not the first step. It is not that which will be our first prayer for Hungary. That first prayer shall be that Hungary may become independent of all foreign power, that her destinies may be entrusted to her own hands, and to her own discretion. I do not profess to under-

stand the social relations and connections of races that may affect the public institutions of Hungary. All I say is that Hungary can regulate these matters for herself infinitely better than they can be regulated for her by Austria, and therefore, I limit my aspirations for Hungary for the present to that single and simple point.

"Hungarian independence, Hungarian control of Hungarian destinies, and Hungary as a distinct nationality among the nations of Europe."

But let us turn to more recent utterances of authors still living. Mr. Archibald R. Colquhoun in his book entitled The Whirlpool of Europe, published by Dodd, Mead & Co. in 1914 (which is by no means too friendly to Hungary), wrote under the caption Slav and Magyar, as follows:

"Although modified in appearance, in customs, and in character by the people they have assimilated, the Maygars have retained, throughout all vicissitudes, an extraordinary homogeneity. Hungary has been a sovereign nation and a kingdom since 1000 A. D., and has never owed allegiance to any monarch who has not been affirmed and crowned by her estates. Moreover, the Hungarian is the only complete nation under the Austrian crown. Even Bohemia, claiming similar historic rights, does not occupy the same position. Her people are not intact; Czechs are living under Prussian rule, Czech territory has been reduced by the conquest of neighboring states. Moreover, there is within Bohemia a second nation, the Germans, with equal rights to the Czechs. Their position is, therefore, constitutionally different from that of Hungary as a free sovereign state and nation. The rest of the peoples under Austrian rule are detached fragments of nations, remnants of ancient states."

In the chapter on Hungary and the Hungarians, Mr. Colquhoun continues:

"The Magyars, as said already, occupy a unique position in the dual monarchy, not only politically but racially, because they are an entire and homogeneous nation. The undeniable fact that they are by no means a pure race, but have assimilated other peoples, and have undergone physical and mental modifications in consequence, does not detract from their position. Like the United States (on a much larger scale) this little nation has been strong enough to stamp its individuality on alien peoples."

* * * * * * *

"It is stated that it is better for a stranger to address the middle and lower class people in French or English first, not with the expectation of being understood, but as a passport to favor, after which he may get the desired information in German. Although this is mainly the result of a policy of Magyarization, there is an element at work in producing it which is more than mere State policy or compulsion. It is agreed by many foreigners living in Hungary that there is a contagion about the nationalist aspiration which is almost irresistible. In no country in the world are there to be seen so many divers races making one (despite local jealousies) in their support of Hungarian national tradition, and all are as vehement in their advocacy of Hungarian independence as the Magyars themselves. Jews and Germans swell with patriotic pride over their "ancient constitution," and more than one instance could be cited of Hungarian patriots (some well known as the exponents of the Magyars to Europe) who have not one drop of Magyar blood.

"The contagion, the attraction, are in Magyar people themselves, and surely in this magic quality lies the secret of their success. The magnetic force they exercise is doing work which mere coercion or maneuvering could not accomplish. Elements of weakness, of unevenness, and of danger there are, but the core of the matter, the character of the true Magyar, is not only sound, but is displaying that most valuable and intangible of qualities—the power of attraction and assimilation."

But the standard book on Hungary is the Political Evolution of the Hungarian Nation, by the Hon. C. M. Knatchbull-Hugessen, published in two volumes by the National Review office, London, in 1908, which no one who wants to judge the case of Hungary intelligently can afford not to know.

German scholars have a reputation for thoroughness in research work, not even the most insignificant details escaping their attention in collecting material. But it takes an Englishman (or a Frenchman) to sift the essential from the nonessential and present the often contradictory evidence in a way which will not confuse the reader. It is this rare gift of clear vision and sober judgment which makes the work of the Hon. C. M. Knatchbull-Hugessen so valuable.

The following quotations are from the last chapter of his book:

"British public opinion has apparently arrived at the conclusion that the Magyars are consistently guilty of the employment of methods of barbarism in their treatment of subordinate races. Trial by newspaper, condemnation without investigation, are such labor-saving processes that their employment is naturally popular, more especially when the means of forming a considered opinion are not easily accessible. The Magyars are themselves largely to blame for the fact that judgment has been allowed to be passed on them on the ex parte statements of self-interested agitators and of

humanitarian philosophers and that they are left to console themselves with the conviction that the abuse of which they are made the target is begotten of ignorance of actual facts, of past history, and of the vital considerations of national expediency. The problem presented by the persistence of minor nationalities is not confined to Hungary, but affects a large part of Europe, from Ireland to Bessarabia, and the measure of the abuse lavished by the spectator of the process of absorption, which is going on as slowly and as surely now as in the past, is in inverse proportion to the magnitude of the absorbing nation. What Russia had done with impunity would have evoked the thunders of Exeter Hall if perpetrated by a weaker country. Wreschen passes almost unperceived, while a petty Slovak village earns European notoriety through the disturbances resulting from the dismissal of a disorderly priest. The Irishman and the Pole have a recent historical basis for their claims to independent existence, as well as the justification of antiquity, which is wanting in the case of the fragmentary nationalities of Hungary.

"The aboriginal population of what is now Hungary—scattered incohesive tribes incapable of resisting Magyar arms or, later, Magyar civilization—died out or was absorbed by the superior race. The process of civilization was purely Magyar. The development of governmental institutions proceeded along purely Magyar lines and bore hardly a trace of either Slav or, save for the fact that Latin was the literary medium, of western influence. As we have seen, the mass of the existing nationalities was imported or filtered into the country long after it had received a permanent Magyar stamp—desirable or undesirable aliens, who in most cases repaid the hospitality they received by lending themselves to the disruptive policy of the Hapsburgs. The disappearance or absorption of the aborigines was due not to fire or sword or violent compulsion but to the essential superiority of the Magyar nation; so convinced of that superiority that it never saw the necessity of Magyarizing races which in the early days, having no conscious feeling of individuality, would have been as wax to receive the permanent impress of Magyar nationality. The gates were opened wide to European culture from the time of St. Stephen, whose maxim, "regnum unius linguae uniusque moris debile et imbecille," show shis recognition of the fact that the only language and civilization which had hitherto counted for anything in Hungary was the Magyar, as well as his appreciation of the benefits derivable from contact with the west. There is no approximately pure race in Europe except the Basque, the Jews, and the Gypsies, but there are many countries in which the factors have existed which produce the fusion of heterogeneous elements into a single nation—common recollection of dangers surmounted, common religion, and common civilization. Such factors were largely wanting in Hungary. The dangers surmounted were surmounted by the Magyars, who alone did the fighting, the bearing of arms in defense of the fatherland being the privilege of the nobility. There was no common history, for history was made solely by the Magyars. There was no community of religion, as St. Stephen turned to Rome for the national religion instead of to the Eastern Church, thereby, in all probability, saving the Magyars from degeneration to the level of the Balkan races and from ultimate absorption in the ocean of Slavdom.

"Civilization, such as it was, was purely Magyar, and all governmental institutions were directly developed from the germ evolved by the Magyar national genius before the great migration westwards. The races imported into Hungary at a later date arrived too late to alter accomplished facts even if they had possessed a far higher degree of civilization than any of them had in fact attained. What they chiefly cared for was freedom to exercise their various religions, and such freedom they received at the hands of Hungary, the land par excellence of religious tolerance. The better class aliens received the rights of nobility or became fused in the Magyar nation. The inferior elements remained apart, in a condition neither better nor worse than that of the great mass of Magyar peasants, and had little or no consciousness of distinctive nationality, or power to resist a deliberate policy of magyarization, had such a policy ever entered the heads of the predominant race, which, unfortunately, it never did. Unfortunately for the reason that successive Hapsburgs were enabled to utilize the forces of ignorance for the purposes of their traditional policy of divide ut imperes—of centralization and absolutism. For the existence of hostility to the Magyar idea, tentative and embryonic before 1848, the Magyars have to thank, in the first place, their own consciousness of a superiority which made deliberate magyarization superfluous, and, in the second place, the Hapsburg connection. There never has been any recognized citizenship in Hungary but Magyar citizenship. Though from time to time the Hapsburgs encouraged the separatistic tendencies of the Serb, the Croat, the Saxon, and the Slovak, the fact remains that from the time of St. Stephen to the present day there has been and is no territory in Hungary but the territory of the Sacred Crown. Austria made a last attempt to produce, a mongrel federalism in Hungary in 1861, and now itself suffers from the poison of particularism of nation-

alistic antagonism which the Hapsburgs so long tried to infuse into Hungary for their own purposes."

"Nothing can be more misleading than the majority of the maps which purport to show the geographical distribution of the constituent races of Hungary. The broad, uniform smudges of color which indicate that this part is Magyar, this Roumanian, this Serbian, this Slovak, and so on, and serve as a text for the disquisitions of the prophets of federalism, obscure the fact that the various races are so intermingled in all parts of the country, and so interspersed with Maygars, that it is impossible to effect clear-cut geographical subdivisions for federalistic purposes such as are possible in Bohemia, where the country is peopled by only two races, the Germans and the Czechs, between whom the lines of demarcation are comparatively easily drawn. A glance at the map appended to the recent book of Mr. Ernest Baloghy (A Magyar Kultura és a Nemzetiségek, Budapest, 1908) would do more to disperse erroneous notions as to racial distribution than many pages of statistics. Minute squares of color, showing the interpenetration of the nationalities, replace the familiar broad smudges, and the result bears as much resemblance to the ordinary ethnographical map of Hungary as a pheasant's plumage does to the tricolor. The great central plain of the Danube and the Tisza is almost solidly Magyar, as is the eastern part of Transylvania; elsewhere, except in the Serbo-Croatian district south of the Szava, the patchwork diversity of color points an unmistakable moral—the impossibility of a territorial subdivision for purposes of local autonomy, which would not result in the subjection of Magyar and German intelligence to inferior types, whose sole claim to political differentiation lies in the fact that they speak a bastard variety of the languages of more important races. The Magyar element is wanting in not one of 413 electoral divisions; the German only in 37. Slovaks are absent from 211, Roumanians from 235, Croatians 344, Serbians from 351. Ruthenes are to be found in 57 divisions, and fragments of other races in no less than 360. As regards the 18 divisions of what Brote and other agitators regard as Roumania irredenta—Transylvania and Hungary up to the Tisza—the Roumanians are in an actual majority in only 11. Magyars and Germans form over 37 per cent of the population; and in no single district in which the Roumanians are in the majority is there an admixture of less than 11 per cent of other nationalities. Though the Magyars constitute no more than 54½ per cent of the whole population of Hungary proper, they are more than three times as numerous as the numerically strongest nationality, whereas the German population of Austria forms no more than 38½ per cent of the inhabitants of the hereditary Provinces. Between the subordiante races there is no cohesion or solidarity; the Magyar is the only binding element. Panslavism, Pangermanism, and Panroumanism have alterated from time to time, and in every case the source of agitation was to be found outside the limits of Hungary. Roumanians and Slovaks have nothing in common. The Roumanian hates the Serbian, and the Serbian the Roumanian."

APPENDIX B. ROUMANIA'S TERRITORIAL CLAIMS.

[From a treatise entitled "Roumania in Hungary," by Eugene Pivany.]

Roumania's claim to Hungarian territory is based in the first place on the principle of priority of occupation. It is not disputed that the Hungarians had conquered Hungary a thousand years ago, have built up a state there and have held the country for a thousand years. It is claimed, however, that before the migration of nations Transylvania and other parts of Hungary had been the home of the Daco-Romans, and it is further claimed that the Vlachs or Vallachians—these are the appellations by which the Roumanians had been known until recently—are the descendants of those Daco-Romans.

Apart from the fact that the theory of the Daco-Roman origin of the Vlachs has been proved to be false, the principle of the priority of occupation has never been defined in the Law of Nations. How many years of occupation is required to establish a valid title to a country? One hundred years, or five hundred years, or more? If occupation for a thousand years is not acknowledged to be a valid title to a country, then we may be called upon some day to relinquish our title to Texas, and California, and other parts of the United States in favor of Mexico, or Spain, or the Indians, and the whole map of Europe may have to be made over, too. And it is certainly the height of absurdity to go back for a title to a country to a period before the migration of the nations even if the continuity of the race dispossessed by several subsequent conquerors could be proved, which in the case of the Vlachs or Roumanians can not be proved.

The theory of the Daco-Roman origin of the Vlachs was conceived in the mind of Bonfinius, an Italian humanist, living at the court of Matthias Corvinus, King of Hungary, who was one of the greatest patrons of the sciences and arts in the fifteenth

century. Bonfinius apparently got his idea from a superficial reading and misinterpretation of Iordanes's history, but he did not go into any deeper examination of the subject, and the theory was soon forgotten. In the first half of the nineteenth century, under the spell of the nationalistic revival caused by the Napoleonic wars, George Sinkay, an Hungarian of Vlach descent, took up Bonfinius's idea, and with considerable ingenuity evolved a fanciful theory of the descent of the Vlachs from the Daco-Romans.

This stimulated research by historians and philologists of other nationalities, notably the late Prof. Paul Hunfalvy, a savant of international fame, Benedict Jancsó, Ladislaus Réthy, and others, and it was finally established, and admitted even by Roumanian historians, that the theory is untenable. The legions employed by Trajan and his successors to subdue the Dacians came mostly from Spain and Asia Minor, that is, they were not of Roman blood; the Lower Moesia referred to by Iordanes was south of the Danube (on the Balkan Peninsula), not north of the Danube (Transylvania); and all evidence pointed to the fact that the Vlachs were Balkan Slavs who had become latinized in their speech some time between the fifth and tenth centuries. The great influence of Illyrian on the Vlach language makes it probable that the latter originated near the Adriatic shore. Thence the Vlachs, who are described by all Byzantine authors as goatherds and thieves, gradually pressed northeastward and crossed the Danube into what was called in Hungarian documents of the thirteenth century Cumania, later Transalpina or Ungro-Vlachia, viz, the present Vallachia, which was then a dependency of Hungary and is now the southern part of the Roumanian Kingdom. They gradually filtered or sneaked also into Transylvania and other parts of Hungary.

There is no evidence whatever that at the time of the conquest and settlement of Hungary by the Hungarians there were any Vlachs in Transylvania at all. The first mention of Vlachs in an Hungarian document was in the thirteenth century, and in 1293 their number was still so small that it was proposed to settle them all on one crown estate.

All indirect evidence, for instance, that of the geographical names, is also against the Transylvanian origin of the Vlachs. The old names of mountains, rivers, and places are of Slavic or of Hungarian derivation, or else they belong to some prehistoric language. The Roumanian geographical names now in use in Transylvania are of comparatively recent origin, and are generally translations or corruptions of the Slavic or Hungarian appellations.

Could there be a more conclusive proof of the fallacy of the theory of the Transylvanian origin of the Roumanians than that they have borrowed their very name of Transylvania from the Hungarians? They call that country Ardeal, which has no meaning whatever in the Roumanian language, being merely a corruption of the Hungarian Erdely, which is a contraction of the older form Erdo-elve, meaning Transylvania, or the land beyond the forest. If it were true that they had been there before the Hungarians, they surely would have had a name for that country, and would have preserved it at least in their traditions.

Likewise they have no Roumanian name for the little town which stands on the site of Sarmisegethusa, the royal seat of Decebalus, King of Dacia. Is it now called Gredistye (Slavic) and Varhely (Hungarian), both names meaning "Burgsite."

Roumanian propagandist arbitrarily give Roumanian names to Hungarian places, rivers, etc. For instance, they call Kolozsvar, a thoroughly Hungarian city, Cluj, the river Koros is Krish for them, and their propaganda writings they speak of the Maramouresh (which means the Hungarian County of Marmaros), the Krishana (which means nothing at all), and of the Banat of Temesvar as if they were separate Provinces, of course Roumanian Provinces stolen from the civilized Roumanians by the wicked Hungarians. All these regions have been integral parts of Hungary for a thousand years.

Transylvania, indeed, had been separated from Hungary for a considerable time, but even then she was a Hungarian principality, the Piedmont of Hungary. Gabriel Bethlen and Francis Rakoczi II, who led the revolts of Hungarians against the Hapsburgs in the seventeenth and eighteenth centuries, were princes of Transylvania. The princes of Transylvania did also a great deal for shedding the light of civilization in Vallachia where up to modern times unspeakable conditions prevailed. For instance, one of the Rakoczis had the Bible translated into the Vlach language, and sent missionaries into Vallachia to teach the ignorant Vlach priests.

The Roumanians hold the world record for principicide, or the assassination of princes, with Serbia—whose record in this regard is not to be despised, either—a bad second. By far the greater part of the Vallachian voyvodes, or ruling princes, died violent deaths. Some of them managed to escape their subjects and place themselves under the protection of Hungary. Life in Vallachia seems to have been just one

assassination after another. The historian Anthonius Verantius, writing toward the end of the sixteenth century, remarked that "the Vlachs are in the habit of murdering their voyvodes secretly or publicly. It is considered remarkable if a voyvode reaches the third year of his voyvodeship; some times the Vlachs dispose of two or three voyvodes in a couple of years."

In the history of Hungary of a thousand years not one regicide has occurred. This fact alone speaks volumes for the respective political capacities of the three races. Yet in the proposed Balkanization or Macedonization of Hungary the Hungarians are to be eliminated as political factors in the favor of races with such records. How this can make for peace and democratic development, and not for chaos and war, it is difficult to see.

The second basis of the Roumanian claims to Hungarian territory is the right of self-determination. They point out that in several counties in southeastern Hungary the Roumanians are in the majority, which is quite true. But it is also true that these countries form no contiguous territory, and that right on the border between Hungary and Roumania there are three adjoining counties almost purely Hungarian, to the south of which there are large Saxon settlements. It is impossible to cut out any large unbroken territory for Roumania without incorporating large minorities of Hungarians and Germans, whom it would be unjust to subject to Roumanian rule, because in point of education, wealth, and everything that counts for civilization they are far superior to the Roumanians. The Roumanians want the right of self-determination applied merely to the Roumanian part of the population, which, as has been shown, is in the minority, taking the 26 counties claimed as a whole. The right of self-determination can be exercised only through a plebiscite, and to this the Roumanians are strongly opposed, admitting thus the weakness of their case.

A third argument advanced by the Roumanian propagandists is the "liberation" of the Roumanians from Hungarian oppression. The charge of racial oppression by the Hungarians, however is not borne out by the facts, for whatever oppression there had been in Hungary had been on class lines and not on racial lines. The masses of the Hungarians or Magyars had to suffer from it just as much as had the masses of the non-Magyars; and whosoever managed to rise above the masses belonged to the ruling classes without regard to race or creed.

The attitude of the Hungarian Government toward the non-Magyars—who are immigrants or the descendants of immigrants—had been the same as that of our own Government toward the non-English-speaking immigrants: Perfect equality before the law but no recognition as racial groups or States within the State. What is right if done by the American Government in America surely can not be wrong if done by the Hungarian Government in Hungary.

As a matter of fact, the Hungarian Government had gone a great deal further in its liberalism, for it granted considerable subsidies for the maintenance of the ecclesiastical and educational establishments of the non-Magyar races. There were thousands of schools in which the language of instruction was other than Hungarian, it being stipulated only that the Hungarian language be also taught as a subject of instruction three hours a week.

In 1917 the Roumanians of Hungary had five theological seminaries, six preparatory schools, four colleges, one high school, one commercial high school, one manual-training school, and more than 3,000 elementary schools, for the support of which they received 7,767,765 crowns from the Hungarian Government which, in the same year, paid them also 7,746,533 crowns for the support of their ecclesiastical establishments, or altogether about 15,000,000 crowns—$3,000,000—while an equal number of Calvinists, or Presbyterians—an almost purely Magyar community—received only 11,000,000 crowns.

If we take further into consideration that the Roumanian churches of Hungary enjoyed complete autonomy and that the Roumanians in Hungary had also a splendid chain of prosperous banks used to a considerable extent for illegitimate political propaganda, it must be evident to everyone that the story of racial oppression in Hungary is a malicious falsehood.

That the Roumanians do not possess the Hungarian spirit of liberality was proved once more by M. Bratianu, the Premier of Roumania, when he left the peace conference because he would not subscribe to the guaranties for the protection of racial and religious minorities demanded from all new or enlarged States by the supreme council of the principal allied and associated powers. It is evident that Roumania does not intend to accord the same rights to her future Hungarian subjects as the Roumanians have enjoyed in Hungary, for the guaranties demanded are modeled after the Hungarian act 44 of 1868, commonly known as the nationality law, which, by the way, is an unexpected vindication of Hungary from the charge of racial oppression by the supreme council of the principal allied and associated powers.

But even if the charge were true, as it is not, the principle that immigrants have the right to invoke the assistance of the country whence they had immigrated against their country of adoption, could not be recognized by our Government. On that principle the Germans of Missouri and Wisconsin, in which States they were, and perhaps still are, in the majority, could have invoked the help of the Kaiser for the annexation of those States to Germany.

Finally there is the sentimental appeal for the union or, as some propagandists are pleased to say, the reunion of all Roumanians in one body politic. Of course, to speak of the reunion of all Roumanians is sheer humbug and mendacity, for what has never been united before can not be reunited. As to the union of all Roumanians it is hardly an object, the accomplishment of which would be in the interest of civilization. The proposed union would not be complete, anyway, for hundreds of thousands of Roumanians in Bessarabia and on the Balkan Peninsula would be left outside of it. And the restricted union as planned could be accomplished only by the disunion, or splitting up, of the Hungarians, a race far superior in civilization, religious and racial tolerance and political capacity to the Roumanians, thereby calling forth a new and more dangerous irredentism than any hitherto known.

So from whatever angle we examine the claims of Roumania to Hungarian territory, we find that they are not justified on any of the principles or pleas advanced.

APPENDIX C. THE AUTHENTICITY OF THE HUNGARIAN CENSUS.

[Extract from a statement made by Mr. Aloysius Kovács, LL. D., Secretary of the Hungarian statistical office, in Budapest.]

The census takers had been everywhere first of all the teachers, having been obliged by the census law to act in that capacity. From the year 1910 we have no information, but in 1900 of the 30,650 census takers 15,111 were teachers. In the same year the number of all the male teachers in the country was 20,970. Hence three-fourths of the teachers had taken part in the enumeration. In 1910 their number must have been still greater, on the one hand, because the town teachers were also obliged to take part, on the other hand because the village notaries have been superintendents and thus could not act as census takers. In non-Hungarian regions naturally the census takers were mostly non-Hungarian teachers and clergymen.

After the assortment of the census material, too, when the results for the individual communities were at hand, the statistical office has taken special pains to obtain the data of the mother tongue a faithful picture of reality. To this end, it has compared the data of the single communities with the results of the former census, and if the differences were striking, explanations were demanded from the respective communal or district authorities. After such informations either the data were accepted for true or, as it often happened, the erroneous entries were corrected through commissioned officials by consulting the people of the place. The correspondence and minute books referring to it may be still inspected.

Thus the statistical office has done all that was possible to obtain true data as to the mother tongue. But, in spite of all carefulness and precaution, both at the recording and at the elaboration, smaller mistakes might have crept in, just as it happens in all demographical enrollments, in recording age, occupation, denomination, etc., be it the most perfect census method of the world. It is important, however, to notice that such little blunders, being committed for and against, in the last result balance each other.

But the objections brought forth against the authenticity of the census can be refuted by the census itself as well as by other records of the statistical office. The chief objection is against the number of the Hungarians. It is stated that the statistical number of the Hungarians is put higher than their number in reality is by entering everybody who speaks Hungarian into the class of those whose mother tongue is Hungarian. This is refuted by the datum of 1,875,789 souls who speak Hungarian without having it for their mother tongue. The number of those who know Hungarian is published also (in Magyar Statisztikai Közlemények, vol. 42)according to communities. In this publication anyone can see that the number of those who know Hungarian does not agree with the number of those whose mother tongue is Hungarian. Exceptions are only some far out-of-way communities. The above objection is refuted also by the data referring to the knowledge of languages. According to the detailed results of the census the number of:

Hungarians knowing German was	1,254,410
Germans knowing Hungarian was	756,970
Hungarians knowing Slovak was	547,130
Slovaks knowing Hungarian was	417,300
Hungarians knowing Roumanian was	400,090
Roumanians knowing Hungarian was	373,820

Hungarians knowing Ruthenian was	49,841
Ruthenians knowing Hungarian was	64,915
Hungarians knowing Croatian and Serbian was	178,508
Croatians and Servians knowing Hungarian was	178,985

Except the German, in the other languages there is but little difference between the number of Hungarians speaking a non-Hungarian tongue and that of the non-Hungarians speaking Hungarian. The number of Hungarians speaking German is larger than that of the Germans speaking Hungarian because in Hungary German is, to a certain extent, also the language of international and commercial intercourse. These figures prove that the languages mutually spoken mutually equal each other. That is, supposing the Hungarians speaking also Roumanian to be really Roumanians and the Rumanians speaking also Hungarian really to be Hungarians, by this their proportions would not change.

The correctness of the nationalistic data is proved also by the religious census in divisions where race and creed are most identical. In the 15 Transylvania counties the denominational and nationalistic statistics in comparison is this:

There are:

Roman Catholics, Calvinists, Unitarians, and Israelities, altogether	906,460
Hungarians	918,217
Lutherans	229,028
Germans	234,085
Greek Catholics and Greek orientals	1,542,268
Roumanians and others (mostly gypsies)	1,523,065

In the division of the confluence of the Tisza and Maros there are:

Greek Catholics and Greek orientals together	1,160,581
Rumanians and Serbans together	1,136,284

In the county of Szilagy there are:

Greek Catholics and Greek orientals together	142,542
Roumanians, Ruthenians, Serbans and "others" together	138,280

Thus the denominational proportions justify the percentage of the nationalties. This congruence of the denominational and nationalistic data can be traced and proved from community to community.

In disputing the correctness of the Hungarian census data the Roumanians used to refer to their own church lists which are claimed to give a much higher number than the official statistics. On this basis it is supposed to find 3,600,000 or even 4,000,000 Roumanians in Hungary against the official number of 2,948,000.

How untenable this claim is can be shown from the work of a distinguished Roumanian author, Nicolae Mazere, professor at Jassy. M. Mazere, in his work "Karta Etnografica Transilvanici," of 1909, has drawn an ethnographical map of Transylvania according to communities, and, thinking the Hungarian data unreliable, he wished to use the church lists. But in the introduction of his work he is compelled to confess that "the church lists—the only Roumanian sources at disposal—are entirely impossible to use." (Ibidem, p. 12.) After having reviewed the shortcomings of the church lists he says: "This I do not write for the sake of mere criticism but in order to prove that the church lists can not serve as basis for a scientific work." (Ib., p. 13.) Therefore, in composing his ethnographical map he follows the records of the official Hungarian statistics, and has to confess that "this map will cause some disappointment among the Roumanians, because the Roumanians have imagined Transylvania to be far less Hungarian." (Ib., p. 13.)

The nationalistic relations of the country are not known to the statistical office from the census alone. The office gathers information on the mother tongue yearly from demographical papers and from school statistics. These data collected after personal declarations, confirm in every respect the results of the census, and they are all the more reliable as they can be compared in every community with the census data.

The census gives the following nationalistic percentages:

Hungarians	54.5
Germans	10.4
Slovaks	10.7
Roumanians	16.1
Ruthenians	2.5
Croatians	1.1
Serbians	2.5
Others	2.2
Total	100.0

In the same census year, in 1910, the proportion of the brides and bridegrooms, and the births and deaths according to mother tongue was as follows:

	Bride-grooms.	Brides.	Born alive.	Died.
Hungarians	54.5	54.1	54.2	51.3
Germans	10.0	10.4	9.5	9.6
Slovaks	9.6	9.9	11.6	11.3
Rumanians	18.3	18.2	16.3	18.9
Ruthenians	2.3	2.3	2.8	2.7
Croatians	1.0	1.0	1.2	1.1
Servians	2.8	2.7	2.8	3.3
Others	1.5	1.4	1.6	1.8
Total	100.0	100.0	100.0	100.0

These figures reiterated from year to year with but little deviations corroborate the nationalistic relations revealed by the census. It must be remembered that the discrepancy in comparison to the census results finds its sufficient explanation in the different conditions of age, mortality, and fecundity among the different nationalities clearly described in the demographical publications of the statistical office.

Last we quote the figures indicating the percentage of the students of elementary and repetition schools according to their mother tongue in the school year 1910–11:

Hungarians	54.8
Germans	12.2
Slovaks	13.7
Roumanians	11.8
Ruthenians	2.4
Croatians	1.2
Serbians	2.4
Others	1.5
Total	100.0

These figures, of course, are influenced by the circumstance that the different nationalities send their children into school in different proportions. The data, however, are extant in each denomination and in each school; thus they may be compared in every community with the official data. The percentage of the Roumanians among the school goers is smaller than in the population. But it is well known that the schooling of the Roumanians is backward also in Roumania.

After all, the Hungarian statistical office is willing at any time to submit its precise method and its careful and conscientious employment in the nationalistic enrollment to the criticism of the International Statistical Institution—alone competent to judge in the case.

The CHAIRMAN. The Albanians are entitled to 20 minutes more.

STATEMENT OF MR. C. A. CHEKREZI, OF COLUMBIA UNIVERSITY.

Mr. CHEKREZI. Mr. Chairman, and honorable members, with profound appreciation of the honor as well as of the privilege of being accorded a hearing on the Albanian problem before this committee, I come before you to lay forth the case of northern Albania as well as a few general considerations that go into the heart of the problem.

As I do not like to weary you with any historical discussion of the case, and as this particular case is very strong on its own merits, I will only refer to the present situation.

The London conference which recognized the creation of the Albanian State in 1912 assigned to Albania, while the other part and the whole of the vilayet of Kossovo were given to Serbia and Montenegro, along with more than 1,000,000 Albanians who form 90 per cent

of the total population of the Provinces. As a matter of history, this was effected through a compromise reached between Austria and Russia in accordance with which Albania was to have Scutari and the Serbo-Montenegrins the rest of the vilayet of Scutari and the whole of that of Kossovo. This was done, of course, under the old system of equilibrium and compromise.

Now, it happens that this part of Albania, and especially the region assigned to Serbia and Montenegro, have an Albanian population that is nothing short of being indomitable, and which has always stood as the stronghold and bulwark for the rest of Albania. It has been this population that has almost always given the signal for rebellion against the Turks and other invaders. It was among these people that the famous Albanian League of Prisrend was formed in 1878 to prevent, as it effectually did, the carrying out of the decisions of the Congress of Berlin relative to the handing over to Montenegro, Serbia, and Greece of Albanian territories. It was again this population that gave the decisive blow to the régime of Abdul Hamid II in 1908, by joining the Young Turks, and when the latter embarked on their policy of forcible Ottomanization of the subject races of Turkey, the Albanians of this region took up their arms to vindicate not only their national rights, but also those of the other subject races that had been cowed to abject submission by the ruthless policy of the Young Turks. The crowning act of the patriotic activities of these same people was performed when they wrung, at the point of the bayonet, in the summer of 1912, the autonomy of Albania from Turkey within the four vilayets, namely, those of Kossovo, Scutari, Monastir, and Janina.

Nevertheless, the London conference of 1912–13 did not take into consideration either the above-mentioned facts or the spirit of the inhabitants. Yet, could any one reasonably expect that this indomitable race would meekly submit to the foreign rule of Serbia and Montenegro, after it had done so much for Albania? The fact is that since the day of their forcible incorporation in Serbia and Montengro, the Albanians of Kossovo and of the northern highlands of Scutari have been in a constant state of unrest and rebellion. During the two years of the independent existence of Albania, 1912–1914, the only neighborly relations that existed between her and her Slav neighbors have been in the form of continuous border warfare, the subjected Albanians striving incessantly to accomplish their union with the mother country within the confines of which they would take refuge whenever they were hard pressed by their assailants. During the great war, the Austrians invaded northern Albania, and this unwelcome foreign invasion did alleviate to some extent the unbearable situation of the oppressed population. But after the withdrawal of the Austrian troops, the Serbians, now reinforced also by the Jugo-Slavs, sought to subjugate again the Albanians of Kossovo, and ever since last December continuous warfare has been raging on between the Albanians and the Jugo-Slavs. Massacres and atrocities, such as are reported to be occurring also in Montenegro, are taking place every day, and at this moment, when we make use of the privilege accorded to us to raise our voice in your presence in their behalf, the unfortunate native population is being bombarded by Jugo-Slav artillery and its towns and villages destroyed.

But has the peace conference done anything to put an end to this awful situation? No, the peace conference has not done anything so far, although the Albanian delegation in Paris has repeatedly acquainted it with the events that are taking place in northern Albania. On March 14 last, the Hon. Guinness asked in the House of Commons the Secretary of State for Foreign Affairs whether he had any information to the effect that the Serbians were attacking the Albanians in the provinces of Ipek and Djakova; whether this region was assigned to Montenegro in 1913 by the London conference but has never been occupied by the Montenegrins, and whether the question of its definitive assignment will be submitted to a new examination before the peace conference.

The Under-Secretary of State for Foreign Affairs, Mr. Harmsworth, replied that His Majesty's Government are informed of the gravity of the situation in that region and that it was the subject of discussion among the allied Governments and also among the delegates assembled at the peace conference. He concluded his reply by the following statement: "I believe that up to the present no attempt has been made to occupy these districts (by allied troops) and do not take it to be consistent with the public interest to make any further declaration in this regard."

But, although five months have elapsed since then and the carnage is still going on, absolutely nothing had been done. And not only that, but it seems that the peace conference does not show any anxiety to take into consideration this burning issue. In fact, President Wilson had, some time ago, dispatched Maj. Furlong to Montenegro to inquire into the events taking place in this country, where 300,000 Slav Montenegrins are violently resisting the rule of their kindred Slav Serbians; but the President does not seem to have shown any concern over the fate of more than 1,000,000 Albanians who have every right to oppose Serbian and Jugo-Slav rule and who are now fighting beside the Montenegrins.

This is not all, however. As though the rebel Albanian Province of Kossovo is assured to them, the Jugo-Slavs are formulating further pretensions on additional Albanian territories. In the memorandum submitted to the Peace Conference on February 18 last, the Jugo-Slav delegation puts forth claims on the Province of Scutari as far as the port of Alessio, including the northern basin of the Drin River. This province is now occupied by Allied troops that seem to hold it with the intention of ultimately handing it over to the Jugo-Slavs. The new Jugo-Slav claims are countenanced by the inhuman and monstrous secret treaty of London, April, 1915. Whenever you turn to Albania you will always find that the wishes of the Albanian people and their legitimate rights as a nation strike against the provisions of that ungodly treaty. In accordance with it, Valona should go to Iatly, northern Albania to Serbia, southern Albania to Greece, and what is left would form an Italian colony.

In reality, neither the Servians nor the Italians nor the Greeks have any valid claims on any of the Albanian lands, but for the sinister stipulations of that tretay. As I am specifically speaking of the Jugo-Slav claims, I wish to point out that they have no other additional basis except historical considerations. They say that the plain of Kossovo and the highlands of Scutari have formerly been in their possession, but that since the seventeenth century they

have been expelled by the Albanians. As a matter of fact and history, the truth is the other way around. It is universally acknowledged to-day that the Albanians are the aboriginal inhabitants not only of Albania proper and of Kossovo, but also of Serbia and Montenegro, while the Serbians have made their appearance in those regions in the sixth century A. D. only. At comparatively brief intervals they had been able to hold some of these territories, and then in the seventeenth century the Albanians got the upper hand and succeeded in expelling them from the region of Kossovo and from the mountains of Scutari.

At any rate we are not here to discuss the historical considerations of the claims put forward on either side, because that would provoke endless discussions and because in this instance we are not confronted by a theory but by a condition. Much as we may desire and are able to put forth the irrefutable argument of the existence of 90 per cent strong Albanian population in those districts which is at this moment contesting the right to exist by the force of arms, we nevertheless waive arguments and demand just one thing that we feel sure we have a right to; that the people, whether in southern or in northern Albania, whether in Kossovo or at Valona, be given a chance to freely express their sentiments. We want that the right of plebescite be extended to Albania to its fullest extent. Let the people speak for themselves, and we are ready to abide by their verdict, whether favorable or unfavorable to us. Is this asking too much? And yet the peace conference does not seem to be willing to concede this elementary right to the Albanians.

And speaking of plebescite, I may be allowed to point out to you one notable occurrence. In an interview published in the Washing-Star, May 16, Prof. Andreades, special envoy of Greece to the United States, stated that the Greek character of northern Epirus may be easily attested by an official investigation among the Epirots who are now living in the United States. Happily, such an investigation has already taken place. Last May, the Epirotic Union of America sent to the Peace Conference and to several United States Senators, as I understand, a printed declaration bearing 1,756 names from natives of the region Koritza-Kolonia, one of the two provinces that make up northern Epirus, who are presumed to favor union with Greece. The whole thing was done in secret, although the declaration states that it is intended for publicity so that the rivals may verify the names. I was recently visiting the office of Senator William King, and there I saw for the first time a copy of the declaration. Thereupon, our pan-Albanian Federation of America started an inquiry of its own and, based on its own results, it sent a statement, as a counter declaration, to the Peace Conference with 3,250 original signatures of Christian Albanians only—leaving out the Moslem Albanians whose number is still greater—native of the same district. Pray note the numbers: 1,756 so-called Epirots as against 3,250 Christian Albanians only. Should not we take this as a plebescite in accordance with the statement of Prof. Andreades? But this is not all, for the inquiry made by the pan-Abanian Federation brought out the fact that a great number of the signatures appended to the Epirotic declaration are forged and another number are false. If you want any proofs, I have them here; this bundle of papers contains the protests of the Albanians who were shocked to find their names in the Epirotic declaration.

Naturally, we have already informed the peace conference of all these things. But we are afraid that the diplomats assembled in Paris are not inclined to take anything seriously unless there is some strong power behind it. Unfortunately, Albania is not backed up by any such power.

This is why we have received so gratefully the news that we would be given a hearing before this committee that in our eyes seems to be the impartial Areopagus of the world. What we expect from you is that you only back up the demand for plebiscite in every disputed Albanian territory. We know that the Senate of the United States, of which this committee is a part, can and may use its powerful moral influence for the recognition and the genuine application of the principle of plebiscite to Albania by the peace conference which has so far taken cognizance of the existence of Albania only whenever the question has arisen of compensating some other State out of the Albanian lands.

Mr. Chairman and honorable members: Three million people who prize liberty above anything else and have fought for it for centuries look now upon you as the last resort to enable them to exercise the elementary right of self-expression that belongs to human beings.

STATEMENT OF MR. CHRISTO A. DAKO, PRESIDENT AND REPRESENTATIVE OF THE ALBANIAN NATIONAL PARTY.

Mr. DAKO. As a supplement to the statement made by my colleague, I want so say a few words with regard to the situation in Albania. During the last 40 years Albania has suffered several amputations. The last amputation was made in 1913 after the Balkan war. Through that treaty Greece got a large part of the Albanian territory; but she is not satisfied with what she got at that time, so she is asking for something more. They base their claims not on the national basis, not on the basis of the language, or the race. It meant that the population of the country which they claim to-day is inhabited by Albanians, who speak Albanian, and who are by race Albanians. They admit that, but they say "What does language mean? It does not mean anything. What does the race mean? It does not mean anything. That which makes nationality is sentiment," and they claim that the inhabitants of that portion of the territory feel that they are Greeks in spite of the fact that for five centuries the Greek church has been allowed by the Greek Government to carry on a very strong religious and educational propaganda to nationalize the Albanians, they have not been able to do so, and I want to say, gentlemen, here, that none of the Albanians in that section of the country feel that they are Greeks, and on the basis of those facts, gentlemen, I want to remind you of certain events.

In 1914 Greece was asked by the European power to evacuate those sections of the territory which she is claiming to-day, and she has evacuated only a part of it. She evacuated only the district of Kortcha. But the second day after the Greek reply, they attempted to enter Kortcha and for several months we were in danger. The Greeks took Kortcha with the purpose that they would be able to defeat the Turkish Government and then come before Europe and say that the inhabitants did not want this Kortcha to be included in Albania. But if this territory was Greek in sentiment, why did

they not accept the Greeks when they came there as liberators. We captured all the soldiers that were caught after the movement was repulsed by the civil population, and found that they were not natives of Kortcha but Greek soldiers. Then later on the Greeks did not give up their fight but continued making attacks on the frontier for three years. Finally the Albanians had to give up on account of lack of ammunition, and the Greeks came and they were repulsed on the whole section. I have maps showing the villages burned by the Greek troops in 1914. If the inhabitants of that district felt that they were Greeks, why did the Greeks burn all the villages? Three hundred and fifty thousand people were killed or fled for their lives. I have pictures here and statements made not only by Albanians but by Americans who have visited the place, and whose reports I have in this leaflet, which show that 350,000 Albanians were driven from the territory when the Greeks invaded.

Senator BRANDEGEE. What is that leaflet?

Mr. DAKO. It is "Christian Work," published in 1914.

Senator BRANDEGEE. What is the date of it?

Mr. DAKO. August, 1914.

Now, all these pictures show that the country of the Albanians, which Greece is claiming on the basis that the inhabitants feel that they are Greeks, that they would rather die than be included in Greece. We have not come here to ask that such and such a town or such and such a territory of Albania be included in independent Albania, but we do beg of you, gentlemen, to see that a commission representing the States should consider the interests of Albania, and go on the spot and investigate and decide the fate of the inhabitants of Albania.

Senator BRANDEGEE. Did the Albanians make this or similar representations to the peace conference in Paris?

Mr. DAKO. Yes, sir. We have presented all these matters, as Mr. Erickson said, to the peace conference, but it has never given any hearing to the Albanian delegation, although the Albanian independence was proclaimed in 1918, and the European powers recognized her independence and guaranteed her neutrality. But in spite of that fact, after this Great War we hoped that our independence would be maintained, and we can not understand why new States are recognized, Czechoslavakia, and we have no objection to her independence being recognized, and the Poles, but we do not understand what is the reason of taking the independence of States that have not been independent and not us, who have been recognized as independent by the Allies.

Senator MOSES. Do you think the Albanians could maintain a stable Government?

Mr. DAKO. I am convinced of that, Senator. I have been in Albania, and I have been in Turkey, and I observed conditions during my imprisonment there in Scutari, and if I had not believed the Albanians were able to govern themselves I would never had taken the gun or the pen to write against that Turkish rule.

Mr. ERICKSON. May I state in addition to that that we have had a practical demonstration of the ability of selfgovernment in the Republic of Kortcha. When the French were in there they gave over the government to the Albanians, and they organized a government and issued their own currency, issued their own stamps, con-

trolled their own affairs, and when the government was finally disbanded because of political influence brought to bear outside, they had a balance in the treasury of some 3,000,000 francs.

The CHAIRMAN. You can file your statement with the stenographer.

(Mr. Dako's additional statement is here printed in the record as follows:)

Mr. Chairman and honorable members of the Foreign Relations Committee, as a supplement to the statement made by my colleague allow me to say the following regarding southern Albania:

The ethnographic boundary of southern Albania, beginning from Prelepe, runs south, between the lakes of Prespa and Ostrovo, then strikes east, leaving out Kastoria to a point nearly south of Lake Prespa, whence it runs due south to the Greek frontier before the Balkan wars.

During the last 40 years Albania suffered several amputations, made by the European surgeons, who have little respect for the sacred principles of nationality and self-determination. The last amputation in the south was made in 1913 under the following circumstances:

In 1912 all the Balkan States have solemnly declared before the world that the purpose of their war against Turkey was not to conquer and subjugate any foreign race but to free their own compatriots, the Slavs and the Greeks, who were suffering in Macedonia under the Ottoman oppression. In other words, it was a war undertaken for the defense of the principle of nationality. Indeed it was on the express and solemn agreement of this very principle presented to the great powers by President Poincaire, that the Balkan war was localized and the Balkan allies were left alone to liquidate the Macedonian question. But shortly after, the Balkan allies, intoxicated by the unexpected success of their military operations, forgot their solemn engagements made with the great powers and began to manifest openly their real aim of dividing Albania between themselves, a country which has no racial affiliations with either of them.

To attain their aim they began a systematic press campaign against the Albanians, using all the brains and money at their disposal. They worked unceasingly to contradict the truth, by trying to promote the belief that the Albanians lack national consciousness and therefore do not form a distinct nationality.

England, Italy, Austria, and Germany rejected the view of the Balkan allies, and determined to support the claims of Albania, and on the 20th of December, 1912, the ambassadorial conference of London solemnly recognized the independence of Albania, which the Albanians themselves proclaimed in November 28, 1912.

But, unfortunately, in spite of the assurances given, that the question of the southern boundary will be settled in a shorter length of time than that of the north, the great powers contemplating to base their work upon the agreement of July 1, 1880, nevertheless this question remained open till December, 1913. After a long wrangle between France and Italy, the ambassadorial conference decided August, 1913, that the boundary between Albania and Greece should run from the eastern limits of the Kortcha district, thus leaving Kortcha to Albania, to Cape Styles. For the delimitation of the frontier between these two points the ambassadorial conference appointed a mixed commission to go on the spot and draw the line, taking as basis the language and the sentiment of the inhabitants.

It took the commission three months to get ready to start. Finally they met in Monaster and in October, 1913, they proceeded. In studying the conditions and in trying to find out the true feeling of the inhabitants they met with difficulties and unpleasant experiences from the agents of Greece. The British delegate, who was unjustly suspected of favoring the Albanians, was fired at by a Greek woman while in Arghirokastra.

Meanwhile, European diplomacy intervened and asked the commission to draw the boundary not on the basis of their investigation and study but on the basis of a compromise, which the great powers arrived at to suit their own affairs. By this compromise the districts of Kortcha, Kolonia, Permete, and Arghirokastra with all its valley, were included within the boundaries of independent Albania, while Konitza, the district of Pindus, Janina, the capital of southern Albania, and the whole Province of Chameria, almost exclusively inhabited by Albanians of the Moslem creed, was given to Greece. Thus, the representatives of the great powers, faithful disciples of the old school diplomacy, ignored the rights of the people and drew an Albania on the map, which shut the Albanians in the narrow mountains, the most ancient race of Europe being forced to yield towns and low lands to the Serbians and the Greeks and starve on the ridge of sterile crags. Mr. Wadham Peackock,

speaking of the boundary drawn by the London conference, says, "From the cynical way in which large populations of Albanians are ignored and handed over to their hereditary enemies, it is obvious that the great powers are not over anxious to found an Albanian principality which could have a reasonable chance of success. The nascent Albania is cut down to a minimum, and if Europe had wished to make the new state dependant on Austria or Italy, she could have hardly set it about more effectively. There is not much future for an Albania of this sort, but the Shkipetars are a dogged race, who have survived many tyrants, though so far they have only had to face death by the sword and not strangualtion by the red tape of a bureaucracy."

Again, the European diplomacy instead of asking Greece to evacuate the territories assigned to Albania, as it was decided she granted to Greece first one month, then another, changing the date from December 31, 1913, to March 1, 1914, giving Greece plenty of time to complete her intrigues and preparations for the Epirotian tragedy, which she was planning to play. The last diplomatic pourparlers between the great powers and Greece regarding the evacuation of these regions by the Hellenic troops are worthy of record for they help one to understand the events which followed.

On February 13, 1914, the representatives of the great powers presented to the Greek Government a collective note regarding southern Albanian frontier and the Aegean Islands. The powers intimated that they had decided to give Greece the islands occupied by her, with the exception of Tenedos, Imbros, and Castellarizzo. The islands will not be definitely handed over to Greece until the Greek troops have evacuated the territory assigned to Albania, the Hellenic Government undertaking to offer no resistance, either directly or indirectly to the wish of the powers. The evacuation of Albania, the note said, will be begun on March 1 at Kortcha and will be concluded about March 31, 1914.

In its reply the Greek Government agreed to comply with the decision of the powers. The Hellenic Government at the same time stated that orders will be given to the Greek troops to evacuate the territories assigned to Albania in due time, and solemnly declared that they will offer no resistance either directly or indirectly to the wish of the powers.

The Greek reply, however, proposed a rectification of frontier, one near Arghirokastra, and another near Kortcha, and offered in exchange a long but narrow strip of coast line between Stylos and Cape Pagonia, as well as $1,000,000. The Greek Government expressed the hope that these rectifications will be settled upon the basis suggested, and proposed that the Hellenic troops should withdraw only to "the natural frontiers" of the respective districts, pending a definite settlement.

Before proceeding further, we must add that during the Greek occupation the Greek military authorities organized in all parts of the country "sacred regiments of volunteers," formed mostly of Cretans, Just what the Greek Government had determined to do with these "sacred regiments of volunteers," having their headquarters at "the natural frontiers" of the district of Kortcha and Arghirokastra, will be fully appreciated later on. On the 22d of March, 1914, the Greeks evacuated the district of Kortcha, and the Albanian authorities entered the city quietly and without ostentation. But we still had the Greek bishop, the only Greek resident in Kortcha, to contend with. His holiness attempted in every way possible to frustrate all our advance toward independence of thought and deed. We were in constant conflict, and in April matters reached the crisis. Under the able direction of Maj. Snellen, of the Dutch mission, we established a small force of gendarmes; but it was pitifully small. numbering about 100 men, and while sufficient for ordinary police duty, was hardly equal to the task of combating Greek intrigue, accompanied by authorized attacks organized and instituted by the Greek military authorities.

Just when fair promises of the right to be a nation were filling all our hearts with hope and joy to have these hopes shattered and absolutely swept away is indeed heart breaking.

At 2 o'clock after midnight April 2, 1914, we were aroused by the sounds of church bells, followed by gun shots. Half awake, I suspected that something unusual was happening. We all got up and went around trying to peep through the window and see what was going on; but nothing visible, as it was too dark. Shots, hurried steps, whispers, was what we heard. Waited impatiently until the dawn, when to our greatest surprise we heard cheers to the Greek rule. At once we comprehended the greatest danger in which we were found. We saw Cretans like mad men running up and down in confusion, shooting any way and whosoever they could and screaming, "Long live Greece!" After a five days' severe fight in the streets, the leader of the Greek disguised attack, the bishop, was arrested and soon after his arrest the Hellenic coup de main for the possession of the coveted district failed and the repetition of the Bartholomian massacres was avoided at this time.

Thus ended the attack upon Kortcha, which the Greeks claim was a civil uprising against the inclusion of the Province within the limits of independent Albania. Yet there is a conclusive proof that the attack was engineered and executed by officers and men of the Greek army operating in conjunction with the Greek bishop. The failure of this attack demonstrated the futility of the Greek argument that Kortcha is a Greek city, for the attack was repulsed by the civil population and not instigated by them.

The failure to prove Kortcha a Greek Province by this means did not deter the Greeks from continuing their attacks, however, and for several months the Greek army hammered at the frontier, bombarding the whole Province from three sides with long-range guns. In the latter part of June a general attack began, and on July 6, 1914, the Albanians on account of lack of ammunition had to give up. Together with government officials 350,000 people fled for their lives, 50,000 crowded in Berat, a town of 15,000 population; a hundred thousand took refuge in Elbassan, and the rest wandered for a good while and then went for shelter under the olive trees of Vallona. It is impossible to depict the horrors which the Albanian people experienced at this time. Bodies of young women, who had been strangled to death and outraged by Greek soldiers were found in many places. Taking possession of Kodra, a village near Tepeleni, the Greeks invited all the villagers, men, women, and children to gather in the church. When all were assembled, 295 in number, the Greek officers ordered the soldiers to fire on them. All were killed; their heads cut down and hung on the church walls. Gen. De Wier, of the Dutch mission, went himself to this village, saw this terrible Greek cruelty, and took the picture of this horrible sight.

Speaking of the work of destruction of the neighbors of Albania, the Hon. Aubrey Herbert, member of the British Parliament, says:

"It is my conviction that these people were systematically exterminated in various frontier areas of Alvania, by those who had sworn to befriend them. In addition to all her misfortunes, Albania has suffered this great calamity, that the world at large is ignorant of what is happening in that corner of the Balkans."

The claims of Greece to southern Albania, or Epirus, as they like to call it, rest on a hoary confusion. She has been throwing dust in the face of the civilized world for centuries by calling every "Orthodox Christian" Greek, defying the facts of the case. The majority of the population of the Albanian territory given to Greece by the London conference, as well as that of the region claimed by Greece at Paris, is Moslem Albania, while the Christian minority, though members of the "Orthodox Church," is Greek neither by race, language, or sentiment. Indeed, if they were Greek by feeling why did 350,000 of them flee before the Greek army when they illegally invaded southern Albania in 1914, just a few months before the outbreak of the European War, and went to starve under the olive trees of Vallona? If they were truly Greeks by feeling, why did the Greek army massacre so many of those who could not get away, and why did they devastate the whole country? The Christain inhabitants of southern Albania or Epirus are "Greeke" only in the sense that the Roumanians and the Slavs were Greeks a few decades ago, when they had the misfortune, too, of being under the jurisdiction of the "Orthodox Church" of Constantinople.

Generally speaking, the thoroughly non-Greek character of the Albanian territory given to Greece by the London conference, as well as that claimed by her at the peace conference under the name of Epirus, can be seen by the following testimonies:

Viscountess Strangford, traveling in 1863, states: "We started on June 1, intending to make Janina, the capital of southern Albania, out farthest point. As we had divided upon the plain into three or four different parts, the first thing to be done, when we reached Delvina, was to find each other; but this was not accomplished until we had wandered far and wide, loudly shouting and inquiring from every man, women, and child we could see. We were decidedly in difficulties, for it was the hour of the midday sleep and our inquiries were made in Greek, while the seeming answers were given in Albanian, neither party in the least understanding the other."

Mr. Mavromnatis, the Greek counsel at Scutari, writing in Akropolis, 30 years ago, states: "Ethnically Albania can be divided in five zones. First, southern Albania, which extends from the Greek frontier up to the Shkumbi River; second, central Albania, which extends from Shkumbi to Matti; third, northern Albania, which extends from Matti up to Montenegro; fourth, northeastern Albania, which embraces Novibazar, Prizrend, Prishtina, etc.; and fifth, western Macedonia, from the Ochrida and Prespa Lakes up to Monastir and Perlepe."

Considering specifically some of the most important towns of this region, we can say, first in regard to Janina. In the fifteenth century, when Janina was attacked by the Turks, its fortresses were defended by Albanians and not by Greeks. To this testified history, which says, that after Janina was besieged, 3,000 heads of Albania's inhabitants of Janina were used to make a pyramid of trophy. On the other hand, Janina is

called by the best impartial authorities, the capital of southern Albania. Here were the headquarters of Ali Pasha of Tepeleni, the independent ruler of southern Albania, to whose court diplomatic representatives from England and France were accredited. In 1878 Greece begged Europe for a rectification of her northern boundary, but by the same assembly Janina was officially declared as belonging to Albania and so was left to her.

The great French counsel, Laurent Pouqueville, speaking about Arghirokastra, says: "There are in Arghirokastra about 2,000 Moslem Albanian families. The bishop complained that there were only 60 Christian families thrown aside the plains out of town."

The report of the foreign representatives of Monastir vilayet and especially that of the Swedish chargé, for the reorganization of the Macedonian gendarmerie proves fully that the inhabitants of Kortcha, town and district, are purely of Albanian nationality.

August Dozon, French consul and distinguished scholar visited Kortcha in 1875. In his report he says, in part, "The population of Kortcha is entirely Albanian."

The people of the district of Kortcha number 132,000 of which 100,000 are Moslem Albanis and 32,000 orthodox Christians, Albanians. The town of Kortcha itself has a population of 22,000, of whom there is but one resident Greek by nationality, the bishop, sent there by the patriarch to anathematize all those who refusing to call themselves Greek worked for the uplifting of their nation. But in spite of this ecclesiastical and school propaganda made during the Turkish régime with such great sacrifices by the Greek patriarch, the inhabitants of these districts have always conserved their national consciousness, as the rest of their fellow countrymen throughout the country, their language and their customs. Under the Turkish régime, when our nationality was denied to us, and when we were persecuted and imprisoned, Kortcha had the first Albanian schools, and always has been the center of gravity of the Albanian national aspirations, with its schools, papers, and societies. Kortcha is also the headquarters of the Albanian Orthodox League, whose purpose is to emancipate the orthodox Albanians from the yoke of the Greek clergy.

During the young Turkish règime, Kortcha has manifested anew its national aspirations by a meeting of 12,000 men held against the young Turk scheme of forcing the Albanians to write their language with the Arabic characters, instead of Latin. All the foreign consuls are witnesses of the spontaneous national manifestations as well as of the blood shed in the summer of 1911 by the young Christian Albanians, who fought for liberty. They also are witnesses of the firm stand of the people of Kortcha during the summer of 1914 and how stubborn they fought the Greek Army who attacked the place and like the Huns committed unspeakable atrocities with the purpose of forcing them to deny their nationality and claim union with Greece.

We are here not to ask that such and such a town or district be included within the boundaries of Albania. We have come here to beg your honorable members of the Foreign Relations Committee to see that a commission representing countries which have no personal interest in Albania be sent on the spot, see the conditions with their own eyes, and decide the fate of Chameria and the rest of the districts which are in dispute.

To mighty, just, and freedom-loving America we earnestly appeal for justice. We do not ask but that which is our own from time immemorial.

CHRISTO A. DATSO,
President and Representative of the Albanian National Party

The CHAIRMAN. Mr. Erickson, I would like to ask one question. What are the Albanians, ethnically? You speak of them as having been there before all these other races. What are they?

Mr. ERICKSON. Mr. Chairman, the ethnologists and anthropologists are not absolutely a unit as to the origin of the Albanians, but are practically so that they constitute a remnant of the Pelasgian race that built those great monoliths in the Balkans; that after the Pelasgian race came they were in three branches.

The CHAIRMAN. They are Aryans, then?

Mr. ERICKSON. Yes.

The Epirots, the Macedonians, and the Illyrians speak all the same tongue or branches of the same tongue.

The CHAIRMAN. Their language is of Aryan derivation.

Mr. ERICKSON. Yes; with a construction like the Latin.

Senator MOSES. Is the instruction at the school at Elbassan in the Albanian language?

Mr. ERICKSON. No; in Albania there had been no schools where Albanian instruction had been permitted; but it had been in Italian.

The CHAIRMAN. The hearing is closed.

Senator KNOX. May I bring a matter up?

The CHAIRMAN. Certainly.

Senator KNOX. A few days ago two very prominent Persian citizens called on me to inform me of this state of facts that though Persia had been upon the list of those who are to be invited to join the league of nations yet that here very recently these Persian gentlemen only received information, within the past 10 days it appears, that Great Britain since the project of the league has been brought forth, has made a secret treaty with Persia in complete violation of her fundamental law and would substantially put the sovereignty of Persia in the hands of Great Britain. These gentlemen had possession of the material part of this treaty. I told them that it had not been the rule of this committee to hear foreigners upon that subject, but that they perhaps might be able to find an American citizen who was sufficiently interested in Persia to give us this information, which I think is highly important and highly interesting. They were fortunate enough to get Mr. Charles W. Russell, whom I have known intimately for several years. He was my assistant as Attorney General and was ambassador to Persia during the Taft administration. Mr. Russell is here and he says he does not want more than 25 or 30 minutes to present this matter and I think perhaps it would be more convenient to hear him now than at some other time.

The CHAIRMAN. To-day you mean?

Senator KNOX. I mean now.

The CHAIRMAN. Certainly. I will be very glad to if the committee desires.

Senator KNOX. I move that Mr. Russell be heard for 30 minutes.

The CHAIRMAN. All right. I will ask Senator Brandegee to preside. The committee meets at 10 o'clock to-morrow to hear a representation of Swedish American gentlemen in regard to the Aland Islands, and also to give 10 or 15 minutes to the representative of the Czecho-Slovaks in regard to what was said to-day.

STATEMENT OF MR. CHARLES WELLS RUSSELL.

Mr. RUSSELL. Mr. Chairman, Senator Knox has stated very correctly what I propose to discuss, and that is the treaty, or a supposed treaty, between Great Britain and the Persian Cabinet which actually turns over to Great Britain the total sovereignty, as I understand it, of Persia. That is to say it gives Great Britain control of the purse and the sword, which constitute the assurance——

Senator SWANSON. You have a copy of the specific treaty?

Mr. RUSSELL. Yes, I have a copy.

Senator SWANSON. I have seen several magazine articles, but I have never seen a full copy of the treaty.

Mr. RUSSELL. I wish to read part of it.

Senator SWANSON. You will put the whole treaty in the record?

Senator MOSES. Will you please state the origin of the document?

Mr. RUSSELL. The original of the document is signed by two Persians, S. Hassein Khan and Mohamed Ameen. S. Hassein Khan I know very well. He was formerly in the Persian Legation.

Senator SWANSON. Where did you get a copy of that? How do you know it is absolutely authentic?

Mr. RUSSELL. I know the facts to be true.

Senator SWANSON. How do you know that that specific treaty is authentic? What is it published in?

Mr. RUSSELL. It is not published at all. I got it confidentially, and I do not feel warranted in telling how I got it. I can assure you, however, it is authentic.

Senator SWANSON. That is a copy of the original treaty?

Mr. RUSSELL. Yes, sir.

Senator SWANSON. With no modification?

Mr. RUSSELL. No, sir.

Senator SWANSON. And you are satisfied that the treaty was entered into?

Mr. RUSSELL. I am satisfied.

Senator BRANDEGEE. Let me ask if that has been made public by Great Britain?

Mr. RUSSELL. I do not think it has.

Senator BRANDEGEE. It is a secret treaty, then, is it?

Mr. RUSSELL. It is not a secret treaty. It could not be kept secret through the subject matter of it.

Senator BRANDEGEE. I mean it is secret in the sense that it has not been published by either of the parties.

Mr. RUSSELL. I think so, Senator.

Senator SWANSON. There is an election going on in Persia now that will elect a parliament that will ratify it.

Mr. RUSSELL. It will never ratify it.

Senator SWANSON. But to decide whether it is to be ratified.

Mr. RUSSELL. But there is no intention to ratify it before putting it in effect.

Senator NEW. When was this negotiated? What is the date of it?

Mr. RUSSELL. It is only very recent. It was only a few days ago that the news of it had arrived, and it must be very recent. I do not know the exact date.

Senator BRANDEGEE. Does the treaty itself provide that in order to be valid it must be ratified by the parliament?

Mr. RUSSELL. No, sir; I do not think it does.

Senator SWANSON. The constitution of Persia requires that, does it not?

Mr. RUSSELL. The constitution of Persia requires that.

Senator NEW. Requires ratification by the Persian Parliament?

Mr. RUSSELL. Yes.

Senator MOSES. The constitution of China requires similar ratification. The Shantung treaty went into effect without that.

Mr. RUSSELL. This will also, probably.

Senator BRANDEGEE. Does the constitution of Persia provide that they can convey the property of Persia to any other nation?

Mr. RUSSELL. Unquestionably not, sir, and that is the point that I wish to make. Neither the parliament nor the executive could make such a treaty, nor both together. I can quote the constitution here.

Senator SWANSON. That has been discussed in the September magazines, I think in several of them. The magazines of the September issues have discussions of that treaty, but none of them had a copy of it. The reason I was anxious to know was whether you are satisfied that this was an authentic treaty.

Mr. RUSSELL. I think if you will let me read some of it, it sounds like an authentic treaty. [Reading:]

It is hereby agreed by the Persian Government on the one hand and his Britannic Majesty's minister acting on behalf of his Government on the other hand, as follows:

1. The British Government reiterates in the most categorical manner the undertakings which they have repeatedly given in the past to respect absolutely the independence and integrity of Persia.

Senator KNOX. They all begin that way.

Mr. RUSSELL (reading):

2. The British Government will supply, at the cost of the Persian Government, the services of whatever expert advisers may, after a consultation between the two Governments, be considered necessary for the several departments of the Persian administration. These advisers shall be engaged on contracts and endowed with adequate powers, the nature of which shall be a matter of agreement between the Persian Government and the advisers.

3. The British Government will supply, at the cost of the Persian Government, such officers and such munitions and equipment of modern type as may be adjudged necessary by a joint commission of military experts, British and Persian, which shall be assembled forthwith for the purpose of estimating the needs of Persia in respect to the formation of the uniform force which the Persian Government purposes to create for the establishment and preservation of order in the country and its frontiers.

4. For the purpose of financiering the reforms indicated in clauses two and three of this agreement the British Government offers to provide or arrange a substantial loan for the Government of Persia for which adequate security shall be sought by the two Governments in consulation, in the revenues of the customs or other sources of income at the disposal of the Persian Government. Pending completion of negotiations for such a loan the British Government will supply on account of it such funds as may be needed for initiating the salient features of reforms.

5. The British Government, fully recognizing the urgent need which exists for the improvement of communications in Persia, both with a view to the extension of trade and the prevention of famine, is required (?) to cooperate with the Persian Government for the encouragement of Anglo-Persian forms of transport; subject always to the examination of the problems by experts and to agreement between the two Governments as to the particular projects which may be most necessary, practicable, and profitable.

6. The two Governments agree to the appointment forthwith of a joint committee of experts for the examination and revision of the existing customs tariff with a view to its reconstruction on a basis calculated to accord with the legitimate interests of the country and to promote its prosperity.

Now, then, I wish to show the animus of this.

Senator SWANSON. Is that all the treaty?

Mr. RUSSELL. That is all I know of. I think that is all, sir. The signature is not here.

Senator KNOX. It is all on this subject.

Mr. RUSSELL. I think it is all the treaty.

Senator BRANDEGEE. Will you let me ask a question there.

I saw in the papers the other day that the Shah of Persia was coming to this country. There is a Shah of Persia at present, is there not?

Mr. RUSSELL. Yes; there is.

Senator BRANDEGEE. How does the cabinet of Persia make this treaty instead of the Shah?

Mr. RUSSELL. Under the constitution the Shah has no responsibility.

Senator BRANDEGEE. He is not a party to it in any way?

Mr. RUSSELL. Legally, not.

Senator BRANDEGEE. He does not sign?

Mr. RUSSELL. He does not sign.

Senator SWANSON. Have you looked at the constitution of Persia to see whether a treaty for the loan of money requires ratification?

Mr. RUSSELL. Yes.

Senator SWANSON. It is mostly for the loan of money, is it not?

Mr. RUSSELL. It takes on the form of disarmament?

Senator SWANSON. The control of the Army?

Mr. RUSSELL. That and the loaning of money.

Senator KNOX. And the determination by the commission of the size of the army and the amount of ammunition, etc.

Senator BRANDEGEE. Before you proceed, will it interrupt you to ask a question?

Mr. RUSSELL. No.

Senator BRANDEGEE. Is there anything in this treaty that we are now considering, the peace treaty with Germany, that affects this question about which you are raising objection? Perhaps Senator Knox has given some attention to this question.

Senator KNOX. The only relevancy that it seems to have, to my mind, is that it was announced when the list of nations was given out, some months ago, that were to be invited to become members of the league, Persia was to be one of those that was to be invited.

Senator MOSES. That is in the treaty itself, Mr. Chairman.

Senator KNOX. If that is in the treaty itself, all the better. It struck me as a serious thing if after the league was projected and after they were all to go into this league as independent factors, and even on the assumption that Persia might be a dependent nation, if there was to be a provision in the league as to how mandatories were to be appointed for the backward nations, if one of the proponents of the league and one of the powerful members of the league should make a secret agreement by which she got such a hold on one of the members.

Senator MOSES. On page 43 of the committee print appears the annex to part 1 of the treaty, which is the covenant of the league of nations. That annex is divided, first, "Original members of the league of nations signatories on the treaty of peace." Then follows a list of 13 States "invited to accede to the covenant," and one of the 13 States so invited by the treaty is Persia.

Mr. RUSSELL. That is right.

Senator NEW. I merely wish to remark that it was in order to develop whether anything of this kind was going on that I asked Secretary Lansing here on the occasion of his hearing if there were any secret treaties of which he knew, and if there were any assurances that there would be any other secret treaties, and it develops now that our allies and our associates in the league of nations are making secret treaties.

Senator SWANSON. That could not be a secret treaty.

Senator BRANDEGEE. Just wait until Senator New has finished.

Senator NEW. It is a secret treaty. Nobody else has been given an understanding that anything of the kind was under negotiation, and I think on the face of it it is plainly apparent that it is a secret treaty in order to give one of our allies a greater hold of one of the so-called backward nations than she had at the time the league of nations scheme was outlined.

Senator SWANSON. As I understand, your position then would be that under the league the United States could not enter into a treaty with a South American Republic concerning money or anything. Is that your contention?

Senator NEW. No; that is not my contention.

Senator SWANSON. It is not a secret treaty. It must be ratified by the parliament in Persia.

Mr. RUSSELL. It will never be ratified.

Senator SWANSON. But it must be ratified in order to be effective?

Mr. RUSSELL. Yes, sir.

Senator SWANSON. Consequently it could not be a secret treaty. The only question was if Persia and Great Britain were to enter into an agreement regarding the subject of loaning money and furnishing officers for the British Army, and that would not be a bit different than if we were to enter into an agreement with Mexico or a South American Republic.

Mr. RUSSELL. It would be very much different, if you will allow me to read some history.

Senator MOSES. May I interrupt?

Senator BRANDEGEE. One at a time.

Mr. RUSSELL. What is the question?

Senator SWANSON. What is the difference between this and any agreement?

Mr. RUSSELL. The difference is this: For a hundred years Persia has been bedeviled by Russia and England, and this is a continuation of that kind of conduct on the part of England, as I can show by this pamphlet, a copy of which I intend to give to every Senator.

Senator SWANSON. Does she pledge her sovereignty and integrity?

Mr. RUSSELL. She always does that.

Senator MOSES. Would it help change the essential conditions in the case at all if we admitted that this treaty is another open covenant, openly arrived at?

Senator KNOX. It does not make any difference whether it is a secret treaty or open treaty. It is what the treaty does.

Senator MOSES. That is exactly the point.

Senator KNOX. It would be a reasonable understanding and therefore be validated by article 21 of the league of nations.

Senator SWANSON. Is it not an original understanding, like the Monroe doctrine?

Mr. RUSSELL. I want to say this, that it is not a secret treaty, as it was not made in secret, and it is not the kind of treaty which the Constitution excepts from ratification by the national assembly. The Constitution provides [reading]:

> No treaty shall be made, nor a concession given, nor any national property transferred except after ratification and approval by a majority of Parliament, save when only secret treaties are necessary in the interest of the country.

And then further down [reading]:

> Treaties which may be in the interest of the government and nation to keep secret are excepted.

Now, I contend that the subject matter is such that it would not be allowed to be kept secret, the turning over the whole power of the Government to a foreign power.

Now, then, I want to read a few things to show the animus of the treaty, the meaning of the treaty, and this pamphlet contains in chronological order——

Senator SWANSON. What pamphlet?

Mr. RUSSELL. Signed by these two Persians.

Senator SWANSON. Who are they?

Mr. RUSSELL. I do not know Mohammed Ameen, but S. Hassein Khan used to be a member of the Persian Legation. They are both, I understand, Mohammedans, Persians by birth, consequently Aryans and kin to us.

Now, then, if you will let me read right here a little of this pamphlet, I think you will see the animus and intention of the treaty. [Reading:]

By a new treaty with the British Government Persia has been sold to Great Britain. It is necessary that it be known that in the year 1906, as the result of a revolution, Persia acquired a constitution.

And it is this constitution which is quoted here, and the thing that is of concern in this treaty, among others, is whether it will be approved by the national assembly. [Reading:]

The British Government has concluded a treaty at a moment when there is no Parliament in session to ratify, and with a cabinet which is a creature brought into being as a result of pressure by the British Government, and which has not been presented to the Parliament by a young Shah, who has constantly been threatened with dethronement if he fails to support British projects, and who has no legal right or power to sign the treaty without the approval of Parliament.

Senator Knox. How old is he? Do you know?

Mr. RUSSELL. I attended his coronation in 1914. He was then 18 years old. [Reading:]

It is said that the British are going to advance $10,000,000 for this treaty. Is it not strange that she wants to purchase a country three times as big as France in such an illegal way and for really nothing? Because whatever she arranges to pay to the Persian Government is to be paid in bank notes, while the consession of the bank notes has been given to the English bank called the Imperial Bank of Persia and there is not at all any actual control on publishing the bank notes. It is to be said the payment of millions means the delivery of some pieces of paper. In the English Parliament it has been said that the British Government will respect the independence and integrity of Persia and again that this treaty will be proposed to the peace conference.

Respecting the integrity and independence, which always have been promised by the British Government, some details will be mentioned, as follows, to prove the reliability or the contrary of such promises. But is it not wonderful to have it said in the British Parliament that probably—even probably—will be submitted to the peace conference such a shameful, illegal treaty?

No constitution could have been intended to give the Parliament or the executive or both the power to approve such a national harikari.

Senator SWANSON. Have you not seen somewhere that an election is being held there for the purpose of rejecting or ratifying the treaty?

Mr. RUSSELL. No.

Senator SWANSON. I have seen in the magazines that an election is pending.

Mr. RUSSELL. An election is pending.

Senator SWANSON. And that is an issue?

Mr. RUSSELL. An election goes on there for a long time.

Senator SWANSON. And that the treaty is an issue in the election?

Mr. RUSSELL. I do not think that is correct.

Senator BRANDEGEE. What is the date of the papers from which you are reading?

Mr. RUSSELL. August 9.

Senator BRANDEGEE. Do you know whether this treaty has been sent to the peace conference or not?

Mr. RUSSELL. I am pretty sure it has not, but I do not know.

Senator SWANSON. It has been discussed in the British Parliament, has it not?

Mr. RUSSELL. In a way.

Senator BRANDEGEE. Was it acted upon by the British Parliament or the House of Commons?

Mr. RUSSELL. I do not know that, sir.

It says here [reading]:

In the English Parliament it has been said that the British Government will respect the independence and integrity of Persia and again that this treaty will be proposed to the peace conference.

That statement was made that it would probably be proposed to the peace conference on account of the outcry that the French were making about the treaty. They like to have a word in Persia every now and then. They had some official business themselves there at one time. I do not think there has been any action taken. It may have been ratified by the British Parliament.

Senator KNOX. This hearing will develop the facts. That is the point of it. If there are any questions about this thing, this will develop the truth.

Mr. RUSSELL. Now, then, a little later along it says [reading:]

On the 31st of August, 1907, when a treaty was made between Russia and England for the arrangement of three zones in Persia, which raised great commotion, in order to silence the Persians, Sir Cecil Spring-Rice, the British Minister in Teheran, wrote an official letter to the Persian Government containing the following lines: "Neither of the two Governments who have signed the treaty wants anything from Persia and this treaty does not harm or mean any loss either to Persia or any other powers, because this is only an agreement between Russia and Great Britain that hereafter neither of the two shall take any step against the other. So Persia is quite free and able to use all her energies for the welfare of herself, and, if there was any prohibition for development of the country before, hereafter there would be no prohibition. The independence and integrity of Persia is respected."

I wish to remind you now that the railroads, the means of transportation, have to be arranged by cooperation with Great Britain. That is to keep the people from building railroads in Persia, except any few that she might want.

This letter was handed to the Persian Government on September 4, 1907, while in the introduction of the said treaty of 1907 is written also, in effect, as follows: "As both Great Britain and Russia have been and are respecting and not touching the independence and integrity of Persia"—now let us see how the truthfulness of their promises has been manifested.

On June 23, 1908, they were quietly supporting Mohamad Ali Shah when by his orders the Parliament was bombarded by the Russian officer, Col. Liakhoff, and a number of Liberals and Deputies were killed, captured, and hanged.

Senator KNOX. I do not think that this that you are reading is relevant to the question. As you are going to put it into the record, I suggest that you get down to the meat of the thing, if there is any more meat in it. I think that is about all.

Mr. RUSSELL. I think that you made my speech before I got a chance to make it.

Senator KNOX. I am glad to serve you in that way.

Mr. RUSSELL. I am glad you did, Senator.

Now, then, I did not know what the committee would do or attempt to do. As I see it, it is turning over the absolute control of the functions, of all the administration, of all the departments of the Government, and especially the sword and the purse, to a foreign power, which has been oppressing Persia in connection with Russia for a hundred years. Now that Russia is out of the game, it seems to me that this policy of the English ought to be abandoned. She ought to learn better manners. I see no reason for her going ahead in the same old way or a little worse, because the fact that Russia was there was some kind of a safeguard for Persia's independence.

Senator SWANSON. Do you think they ought to be prohibited from making loans?

Mr. RUSSELL. Why, Senator, I do think that I should put it as strongly as that, that they should be prevented from making loans from Great Britain.

Senator SWANSON. You think that Great Britain in all probability should be prohibited from making loans to credit nations?

Mr. RUSSELL. Great Britain should not be allowed to make loans to Persia which have been the cause of oppression.

Senator SWANSON. In making loans and building railroads? For that purpose?

Mr. RUSSELL. They should not be allowed to make loans where other people could not.

Senator MOSES. If they had a consortium in Persia, just as has been proposed in China, there would be no objection to that?

Mr. RUSSELL. No, sir; I think not.

Senator MOSES. What, in your opinion, is going to be the practical effect of this treaty? Is it going to put Persia under a virtual British protectorate?

Mr. RUSSELL. Absolutely, yes.

Senator MOSES. What will be the effect upon the voting strength of Great Britain in the council of the league of nations when Persia becomes a member? Will it increase Great Britain's vote by one?

Mr. RUSSELL. I hardly think so.

Senator BRANDEGEE. I have not followed you in your process of proving that Persia is losing her sovereignty.

Mr. RUSSELL. Why, she has turned over practically the purse and the sword by this treaty, which says that the British shall furnish experts of all kinds for the various departments—that is, the financial department included—and is to furnish officers for the army that is to be created.

Senator KNOX. And what I think is even a more significant fact, just abandoning your expression of "the purse and the sword," she is giving her whole financial affairs under the control of Great Britain by virtue of loans and the appointment of financial advisers and experts to handle not only those loans but to handle her taxation.

Then another great attribute of sovereignty that she is giving up is that the size of the army and the equipment are all to depend upon the joint commission, of which Great Britain is to be a member.

All of those things are a surrender of the attributes of sovereignty of the most important character, I do not care whether it is the whole sovereignty or not.

Senator NEW. I understand that the army is to be under the command of British officers.

Senator KNOX. Undoubtedly.

Mr. RUSSELL. Yes. And these advisers are not only advisers, but in any case they must take the advice, as this pamphlet will convince the Senators. And I wish to state that the historical facts down to the time of my leaving Persia in October, 1914, states in this pamphlet, I know definitely to be correct, and I have every reason to believe, I am thoroughly convinced, that the others are correct.

Senator BRANDEGEE. China has made similar treaties with other powers, has she not, as to financial advisers?

Mr. RUSSELL. There would be similar——

Senator KNOX. I can answer that question.

Senator BRANDEGEE. I was asking only for information.

Senator KNOX. The only advisers China has had under our treaties have been men to see that the funds that were loaned to China were honestly expended for the purposes for which they were loaned. For instance, when we loaned money to build a railroad, we appointed an officer to see that the railroad was built with the money. I think Great Britain loaned money, and she appointed an adviser for the same purpose.

Senator BRANDEGEE. Those are practically inspectors as to the expenditure of the money.

Senator KNOX. Yes; and general advisers, as Morgan Shuster was on financial matters. They went as private individuals, not as representatives of the Government.

Senator BRANDEGEE. One more question, then I have done.

It appears by the proposed treaty that Persia is to be asked to join the league of nations, but the league of nations is not yet in existence. Great Britain and Persia are in the process of making this treaty to which you refer. What do you suggest that the Senate can do about it?

Mr. RUSSELL. I wish the Senator to make a ringing protest against the whole thing, and if the Senators will read this pamphlet carefully and accept my statement that all the historical facts up to the time that I left, in October, 1914, are true, they will be convinced that such a protest ought to be made.

Senator BRANDEGEE. You will put the pamphlet in the record, and also the copy of the treaty?

Mr. RUSSELL. Yes.

(The pamphlet referred to, containing a copy of the treaty, is herewith printed in the record, as follows:

THE NEW STRANGLING OF PERSIA—GREAT BRITAIN'S PROMISES AND THEIR FULFILLMENT—A HUNDRED YEARS OPPRESSION.

The inspiring words of President Wilson at the crisis of the Great War found lodgment in the public conscience of the world, quickened the pulse of nations long subject to oppression, and opened wide the door of hope to peoples who till then were in despair.

Then, for the first time, words were spoken which did not deal with temporary expedients or with an adjustment of the issues of the war in the interests of the strong and at the expense of the weak.

Then, it was sought to lay the foundations of a peace which would not be merely the reestablishment of an artificial equilibrium among the powers, but the realization of a true accord founded upon justice and right. All nations, great and small, were presumed to be equals, although up to that moment such equality and liberty were unknown to the philosophy of international politics.

The words of President Wilson were as a rainbow consoling humanity in its hour of travail, pointing to a path flooded with the light of hope and destined to lead to a new era.

After a vigil of 50 years, Alsace and Lorraine have been reunited to France. Italy welcomes to her bosom her children of Italia Irredenta. Poland's martyrdom is over and her independence a fact. The Jugo-Slavs are gathered to their mother Serbia, Bohemia has finally heard the tocsin ring out the hour of her deliverance.

But Persia, of glorious history, and the Persians, the outposts of civilization, who have been the prey of two great powers for a century and whose progress has been arrested by external forces, find themselves laboring under a new foreign oppression. When they wished to adopt the European methods in their economic and political systems, they found themselves face to face with powers who only thought of weakening them and suppressing their independence. Notwithstanding that promises have been solemnly made to respect Persia's independence and territorial integrity, these promises have not been observed, and the violation of her sovereignty should give an unquestioned right to Persians to lay their claims before the peace conference and the league of nations, especially before the liberal peoples of the world, and above all the United States of America, whose President has opened the door of hope to all nations.

By a new treaty with the British Government Persia has been sold to Great Britain. It is necessary that it be known that in the year 1906, as the result of a revolution, Persia acquired a constitution. Her new status was recognized by all the powers, after the fundamental law was ratified by the nation and proclaimed by the Shah (Mozaffarod-din).

In that constitution it is written (*a*) the King shall not interfere with the governmental functions. (*b*) The Government shall consist of a prime minister, selected by the King, presented to and confirmed by the Parliament, and then the prime minister is to form his cabinet. (*c*) No treaty shall be made nor a concession given, nor any national property transferred except after ratification and approval by a majority in Parliament, save only when secret treaties are necessary in the interest of the country. (*d*) The King before being crowned, on coronation day, and before ascending the throne, shall appear before Parliament and make an oath that he will do nothing contrary to the constitution or the interests of the country. The present Shah, who is 23 years of age, at the age of 18 took such an oath and was given the crown.

Articles 16, 22, 24, 25, 39, and 44 of the fundamental law are as follows:

Art. 16. In general, all laws necessary for the strengthening of the Government and Kingdom and the regulation of State affairs and for the constitution of ministries must receive the sanction of the National Assembly (Parliament).

Art. 22. Whenever a part of the revenue or property of the Government or State is to be sold, or a change of frontier or border becomes necessary, it will be done with the approval of the National Assembly.

Art. 24. Treaties, conventions, the granting of concessions, or monopolies, either commercial, industrial, or agricultural, whether the other party be a native or a foreigner, can only be done with the approval of the National Assembly.

Treaties which may be in the interest of the Government and Nation to keep secret are excepted.

Art. 25. All loans to the Government of any nature whatsoever, whether internal or foreign, will be made with the knowledge and approval of the National Assembly.

Art. 39. No sovereign can ascend the throne unless, before coronation, he appears before the National Assembly, and in the presence of the members of the National Assembly and the Senate and the cabinet of ministers swears the following oath:

"I take the Lord most High to witness and I swear by the Holy Word of God and by all that is sacred before God, that I will devote all my energy to preserving the independence of Persia, guarding and protecting the limits of the realm and the rights of the people. I will be the guardian of the fundamental law of the constitution of Persia and will rule in accordance with it and the laws which have been decreed," etc.

Art. 44. The sovereign is absolved from all responsibility.

The British Government has concluded a treaty at a moment when there is no Parliament to ratify, and with a cabinet which is a creature brought into being as a result of pressure by the British Government, and which has not been presented to the Parliament by a young Shah, who has constantly been threatened with dethronement if he fails to support British projects and who has no legal right or power to sign the treaty without the approval of Parliament.

There is no doubt concerning the illegality and invalidity of the treaty, and the world should judge whether the British Government, by reason alone of its might, should compel the execution of this spurious instrument while the peace conference is sitting and while a league of nations is being formed to prevent the commission of such wrongs to weaker nations as Great Britain is guilty of in this indefensible pact.

It is said that the British are going to advance $10,000,000 for this treaty. Is it not strange that she wants to purchase a country three times as big as France in such an illegal way and for really nothing? Because whatever she arranges to pay to the Persian Government is to be paid in bank notes, while the concession of the bank notes has been given to the English bank called the Imperial Bank of Persia, and there is not at all any actual control on publishing the bank notes. It is to be said the payment of millions means the delivery of some pieces of paper. In the English Parliament it has been said that the British Government will respect the independence and integrity of Persia and again that this treaty will be proposed to the peace conference.

Respecting the integrity and independence, which always has been promised by the British Government, some details will be mentioned, as follows, to prove the reliability or the contrary of such promises. But is it not wonderful to have it said in the British Parliament that probably—even probably—will be submitted to the peace conference such a shameful, illegal treaty?

On the 31st of August, 1907, when a treaty was made between Russia and England for the arrangement of three zones in Persia, which raised great commotion, in order to silence the Persians Sir Cecil Spring-Rice, the British minister in Teheran, wrote an official letter to the Persian Government containing the following lines: "Neither of the two Governments who have signed the treaty wants anything from Persia, and this treaty does not harm or mean any loss either to Persia or any other powers, because this is only an agreement between Russia and Great Britain that hereafter neither of the two shall take any step against the other. So Persia is quite free and able to use all her energies for the welfare of herself, and if there was any prohibition for development of the country before, hereafter there would be no prohibition. The independence and integrity of Persia is respected." This letter was handed to the Persian Government on September 4, 1907, while in the introduction of the said treaty of 1907 is written also, in effect, as follows: "As both Great Britain and Russia have been and are respecting and not touching the independence and integrity of Persia"—now let us see how the truthfulness of their promises has been manifested.

On June 23, 1908, they were quietly supporting Mohamad Ali Shah when by his orders the parliament was bombarded by the Russian officer Col. Liakhoff, and a number of liberals and deputies were killed, captured, and hanged. The nation once more started a revolution and dethroned the said traitor shah on July 16, 1909.

When the Persian Parliament approved that all the advisers for the finance department ought to be employed from America, and fortunately the honest and strong American Mr. W. Morgan Shuster, as a private American citizen not representing the Government of the United States, was appointed as treasurer general, and with his American colleagues commenced the development of the finance, and a sum of money was lying in the treasury, in violation of the signed documents concerning his abdication they caused the dethroned king to attack Persia. Although before the national forces he was not successful, yet one result was arrived at—that was to empty once more the treasury. But still this was not sufficient, and on the 29th of November, 1911, the following ultimatum was sent by the Russian Government to the Persian Government (approved by the British Government), giving only 48 hours for the reply:

Article 1. Mr. W. Morgan Shuster must be dismissed from the Persian service.

Art. 2. Persian Government must not hereafter employ advisers from other foreign countries, but by permission of Russia and Great Britain.

Art. 3. Persia must pay all the expenses of the Russian military who had been sent to Persia accompanying this ultimatum.

As the parliament rejected the ultimatum unanimously, the Government was pressed by the two neighbors to dissolve the parliament, and did so, and the ultimatum was accepted without the action by the Mejless, of all which Mr. Shuster has written fully in his book called "The Strangling of Persia."

At the same time Russians began to seize and hang many liberals of high class and head priests and tear their bodies. Prof. Edward Browne, the oriental professor of Cambridge University, proves all their savageness in his illustrated book. Still this was not sufficient, and the Mohamedan's most sacred place in Khorasan was bombarded by Russian troops. From the one side thousands of Russian troops were scattered through Persia and from the other side the British Government began, from the year 1909, to send 400 Indian troops, and by and by added others until the spring of 1913,

when the British sent the Seventh Regiment of Indian troops to the important port of Persia, Bushire, on the shore of Persian Gulf; and during the war in Europe the British occupied the said port, which caused a great commotion in Persia against Great Britain, so that on the way from Shiraz to Bushire the British consul was arrested by the national volunteers, and they were obliged to return the port to Persian hands to obtain the consul's release.

On the 26th of June, 1914, Sir Walter Townley, the British minister in Teheran, writes a circular, No. 2, to all the British consuls in Persia as follows:

"It is thought that at present in London and St. Petersburg they are trying to make a fundamental review of the treaty of 1907 about Persia to make it much stronger."

On the 27th of May, 1915, Mr. Marling, the British minister in Teheran, writes to the British consul in Shiraz, Maj. O'Conner, as follows:

"We know well that the governor of Shiraz (Mokhberossalteneh, a well-known patriot) ought to be dismissed and since the day of my arrival I have been trying for it."

On February 9, 1915, Sir Valentine Chirol, the adviser of the Viceroy of India, who had been traveling with the Viceroy in the Persian Gulf, from on board of the ship writes a letter to Maj. O'Conner, the British consul of Shiraz, as follows:

"After a long journey, here I am in the port of Bushire, deep in thought, and from the top of the hills I am looking toward you, and unfortunately see you sitting alone, sunken in thought and expecting an angel from Heaven to make clear the destiny of Persia and that of some more powerful countries; but how can a man fail to regret that a very rapid and more practical cooperating step is not taken to reveal the secrets of the said destiny as soon as possible. Although I was not thinking 11 years ago, when I was in this port, accompanying Lord Curzon, the former Viceroy of India, that I should be back so soon, my real reason is for the accomplishment of the project conceived by Lord Curzon and the making more practical his plan about the above said destiny, i. e., to get closer and nearer to the destiny I refer to."

In April, 1915, just on the day of the arrival of Mr. Marling, the British minister in Teheran, at once, without waiting for official ceremonies of introduction, he visited the young Shah and pressed on him that Moshirod-dowleh, the patriot prime minister, and his cabinet members ought to be dismissed and, as Moshirod-dowleh is quite a self-respecting gentleman, he at once resigned and his forced resignation has led to all the misfortunes of Persia up to the present.

About 28 months ago when Sepahsalar, the former Sepahdar, was prime minister, the two aforesaid truthful Governments got a signature from him that a mixed committee containing five members, one English, one Russian, one Belgian (the Belgian quite in favor of them), and two Persians (but these two must be chosen to suit the Russian and British). This committee to have full control over the finances of Persia the military, the religious and other endowments, etc., having full authority. And accordingly, that committee was formed and, as Russian armies were quite close to the capital, nobody dared to breathe; but this control did not last more than six months, the length of time of Sepahsalar's cabinet. Again the Persian nation breathed; he was dismissed and the arrangement was broken up.

About eight months ago, Sir Percy Cox, the British minister at Teheran, went to the young Shah and told him that the Shah must not interfere for the change of the present cabinet, and whenever he wants to interfere, it is better to find out first the opinion of the British Government.

About four months ago, in spite of the law, article 12, as follows:

"ART. 12. No person will, by any excuse whatever, have the right to proceed against any member of the assembly. Should by chance one of the members be guilty of a public offense or crime, and should he be caught in the act of committing the offense, the carrying out of punishment must still be with the knowledge of the assembly," a note was sent from the British Legation of Teheran to the present cabinet, ordering them to exile four very well-known patriots of high class, two of them, Mostomfiol-Mamelek and Samsamos-Salteneh, many times each of them prime minister and at present deputies, and two others, Mokhberos-Salteneh, many times minister and at present a deputy, and Mostesharod-Dowleh, many times minister and ex-president of the Parliament, but this was stopped by the voice of the public and fortunately they were not exiled.

Letters and telegrams even from the capital of the nearest province, Kazvin, 72 miles from Teheran, when sent to Teheran are censored by the British.

There are four to five thousand British troops in South Persia, in the name of South Persian Rifles, more than 5,000 in Kazvin and Resht, a great number in Azarbaijan and Khorasan in the north; also the same in Hamadan, Kurdistan, and Kermanshah, in the west.

If some one wants to explain everything about all their oppressions and tyranny, he needs hundreds of pages to do so.

Yes, they have fully respected the independence and integrity of Persia, and the new treaty was for that purpose. Persia has sent a delegation of patriot members for the peace conference to Paris to make Persia free from all the past heavy loads. The result is the heaviset burden of all—the new treaty. Making a treaty requires two sides, while this treaty has been confirmed only by one side, because the other side is the Persian Parliament, which is not in session at present.

At the time of the armistice the Allies said that they would not converse a single word with a military German Government, but would arrange with a National Government, and as a consequence many changes were made in Germany.

Are now the peace conference, the league of nations, the American Republic, which has claimed to protect the rights of the weak and is one of the Allies, ready to be in favor of such a one-sided, illegal treaty, while the present condition of Persia is as described above, and Persians are surrounded and choked, and have not any way freely to proclaim what is in their hearts—to protest and complain against this treaty?

Every individual Persian patriot, with the British hands pressing the throat and with bulging eyes, is looking toward the shore for safety, toward the results of all the brilliant words of the United States' President, i. e., toward the Americans, for help and rescue. Persians do not want anything new and extra which might seem difficult to the American Nation and other true, liberal nations; but they want whatever they have had before and have now to remain to themselves and to have their independence and integrity and rights preserved for themselves and their children.

If these true and plain rights seem difficult to be protected, what hope remains for good results from the brilliant words spoken to prohibit for the future the blood spilling and the filling up once more the fields with human corpses?

The decision to be made is laid before the tribunal of humanity.

PERSIAN NATIONAL ASSOCIATION OF AMERICA,
S. HASSEIN KHAN, *President*,
MOHAMED AMEEN, *Secretary*,
1806 New Hampshire Avenue, Washington, D. C.

AUGUST 29, 1919.

I. APPENDIX—THE NEW TREATY—SO CALLED.

In virtue of the close ties of friendship which have existed between the two Governments in the past, and in the conviction that it is in the essential and mutual interest of both in the future that these ties should be cemented and that the progress and prosperity of Persia should be promoted to the utmost,

It is hereby agreed between the Persian Government on the one hand and His Britannic Majesty's minister acting on behalf of his Government on the other hand as follows:

1. The British Government reiterates in the most categorical manner the undertakings which they have repeatedly given in the past to respect absolutely the independence and integrity of Persia.

2. The British Government will supply, at the cost of the Persian Government, the services of whatever expert advisers may, after a consultation between the two Governments, be considered necessary for the several departments of the Persian administration. These advisers shall be engaged on contracts and endowed with adequate powers, the nature of which shall be a matter of agreement between the Persian Government and the advisers.

3. The British Government will supply, at the cost of the Persian Government, such officers and such munitions and equipment of modern type as may be adjudged necessary by a joint commission of military experts, British and Persian, which shall be assembled forthwith for the purpose of estimating the needs of Persia in respect to the formation of the uniform force which the Persian Government purposes to create for the establishment and preservation of order in the country and its frontiers.

4. For the purpose of financiering the reforms indicated in clauses 2 and 3 of this agreement the British Government offers to provide or arrange a substantial loan for the Government of Persia for which adequate security shall be sought by the two Governments in consultation, in the revenues of the customs or other sources of income at the disposal of the Persian Government. Pending completion of negotiations for such a loan the British Government will supply on account of it such funds as may be needed for initiating the salient features of reforms.

5. The British Government, fully recognizing the urgent need which exists for the improvement of communications in Persia, both with a view to the extension of trade and the prevention of famine, is required (?) to cooperate with the Persian Government for the encouragement of Anglo-Persian forms of transport, subject always to the examination of the problem by experts and to agreement between the two Govern-

ments as to the particular projects which may be most necessary, practicable, and profitable.

6. The two Governments agree to the appointment forthwith of a joint committee of experts for the examination and revision of the existing customs tariff with a view to its reconstruction on a basis calculated to accord with the legitimate interests of the country and to promote its prosperity.

(Signatures.)

August 9, 1919.

(By direction of the chairman, the following statement in the case of Lithuania is here printed in the record as follows:)

STATEMENT OF B. F. MASTAUSKAS, WASHINGTON, D. C.

ORGANIZATION OF THE LITHUANIAN GOVERNMENT.

Lithuania was occupied by the German army in 1915, and since Germany considered it part of Russia, she subjected the inhabitants of Lithuania to all of the hardships that are imposed upon any territory by a military invasion. In spite of this, and in spite of the fact that the writing of letters from one town to another was prohibited, the Lithuanians managed to have a national convention in Vilna in 1917. Over 200 delegates were present, and this body resolved to be independent, and elected 20 men who were to lay the plans and organize a provisional government.

The German military authorities felt that this body of 20 men would not have the courage to do anything definite. One of their first acts was a declaration of independence before the world. This one act so startled the Germans, because they had planned to colonize Lithuania with Germans and annex her, along with Poland, that they immediately ordered that this council be dissolved. The taryba, or council, continued its existence by holding meetings in secret and issued words of encouragement to the Lithuanian people. Several of its members were lodged in jail, and Mr. Klimas, who is now a member of the Lithuanian Commission to the peace conference, was kept in jail for a period of three months because they suspected that he attended a meeting of the Lithuanian council.

In spite of the watchfulness of the Germans, the council maintained its organization and also held the respect and confidence of the Lithuanians who knew of its existence, and who gave it financial and moral aid until the armistice was signed.

Then another convention was immediately called and the council was enlarged to 40 members. The enlarging was done for the purpose of taking in all parties and representing racial minorities, i. e., Jews and white Russians.

One of the first acts of this body was the declaration that Lithuania will undertake to pay its proportionate share of the national debt which Russia contracted prior to the war.

The enlarged council, too, experienced its difficulties because the peace conference in Paris permitted the German army of occupation, numbering around 50,000 men, to remain in Lithuania, and this army interfered with the development and influence and organization of the council.

The council however, elected Mr. A. Smetona as the President of Lithuania, who chose the premier. The premier chose his cabinet, filling all of the necessary portfolios, and these are functioning.

The minister of justice has organized a complete judiciary system for Lithuania. Justice is being meted out in the smallest hamlets as well as the largest cities.

The minister of finance has arranged a national internal loan of 30,000,000 auksino, equal to 7,500,000 dollars.

The minister of posts and of communications has taken over all telephone, telegraph and railroad lines, and has reestablished the postal system. (Lithuanians of American descent have lately written letters from America and have received replies, thereby showing that an efficient public service has been organized.)

The minister of education has organized and opened schools through the entire country under the control of the Lithuanian Government.

The minister of war has organized and partially equipped an army of about 20,000 men who are conducting active warfare, and they have driven out the Bolsheviks from within Lithuanian boundaries. When he made a call for volunteers over 100,000 men responded, but only one-fifth could be accepted because Lithuania did not have the necessary equipment to put all of her sons in the field aganist the Bolshevik invaders.

The minister of foreign affairs has a complete and efficient organization. Before assuming the responsibility of chairman of the commission to the peace conference, he sent special envoys to Sweden, Finland, Denmark, Switzerland, Czechoslovakia, and England, and he has been assured of sympathy with Lithuania's future by all of these nations, some of whom have sent aid to Lithuania. These countries await, before final recognition of Litbuania, the action of the United States, the country which numbers among its citizens 1,000,000 Lithuanians.

The racial minorities are represented in this ministry which includes Jews and White Russians, showing that Lithuania is the same to-day as she was in the past, giving complete religious and political liberty to every race.

MILITARY SITUATION.

Gen. Zukauskas, the commander in chief of the Lithuanian Army, is a soldier of lifelong experience. He is a graduate of the Russian Military Academy and has had experience in the Russo-Japanese War and also in the recent war. He fought against Germany as a Russian officer. When he assumed command of the Lithuanian armies, Bolsheviks occupied almost half of Lithuania. By his military leadership and knowledge he has driven the Bolsheviks out of Lithuania, and lately he was faced with the problem of opposing Polish invasion and was compelled to withdraw some of his troops to combat that invasion.

Bolshevism can not possibly live in Lithuania because the principal occupation of the country is farming, and the land is owned mostly by small land owners and home owners in the cities.

The original invasion of the Bolsheviki aroused national bitterness and also the nation's ardor to defend what is her own, and she has succeeded in so doing. Whether or not they will be able to maintain their present hard-won territory against a great Bolshevik offensive is a question. Probably not, and unless aid is given Lithuania in the form of military equipment and supplies, then the world might witness a very sad sight, indeed, the overwhelming of the Lithuanian nation by the Russian Bolshevik, leaving no barrier between Russia and Germany.

The peace conference, without considering the opinions of the Lithuanian commission to the peace conference, established a temporary line of demarcation between Poland and Lithuania. Lithuanians were not heard on this question, but they agreed to respect this line, although it is unjust and injurious and in violation of the ethnographic line. But the Poles violated even this line.

GERMAN OCCUPATION.

Germany has been ordered to withdraw her troops from Lithuania, but she is going reluctantly, and she still wants and will try to control Lithuania, in order that she may have an eastern door to Russia. So, because of the geographic position of Lithuania, her territory is desired, and three countries, Germany—Poland, and Russia—are attempting to wrest it from her.

REQUEST FOR INTRODUCTION OF RESOLUTION RECOGNIZING LITHUANIAN GOVERNMENT.

Gentlemen, we will give you a memorandum which clearly presents Lithuania's case, why her independence should be recognized, and why she should receive aid and assistance from outside sources, especially from the United States, not in man power, but in food, clothing, medical, and military supplies, for which she can offer good security. She has men enough, who have tested and have seen what actual Bolshevism means.

A Senate resolution, which makes known our desires with respect to recognition, will be shortly submitted to the chairman of the Committee on Foreign Relations, with a request for its introduction and a prayer for its adoption.

We know that the recognition of a foreign government is a function of the executive and not of the legislative branch of our Government, but we believe that the moral effect of such a resolution would be enormous not only in the United States but in the European areas concerned, where we believe it would immediately greatly lessen bloodshed and destruction of property.

STATEMENT OF REV. JOHN J. JAKAITIS, WORCESTER, MASS.

LITHUANIA'S RELATIONS WITH POLAND.

Mr. Chairman and members of the committee: The declaration of the United States through its supreme executive for the self-determination of small nations, was particularly welcomed by the nations immediately affected. Lithuania, which since 1795 had suffered under the foreign yoke of Germany and Russia, was one of those nations. Lithuania, geographically located between Russia, Germany, and Poland, each one of which was making all efforts to absorb her, naturally had to look to the outside world for assistance.

It is very hard to understand, but it is a fact, that the new Poland set herself against the independence of Lithuania and made herself one of Lithuania's chief enemies. The imperialistic ideas of Germany, crushed by the mighty sword of America and her allies, were adopted by Poland.

Poland's aspirations to annex Lithuania were not approved by the peace conference, yet Poland did not renounce her intentions to absorb Lithuania. It is true that the peace conference has set a temporary boundary between Poland and Lithuania, but it is also true that the Lithuania peace delegation at Paris was not consulted and naturally the temporary boundary lines were set with great injustice to Lithuania.

But Poland went even further in her plans of exploitation of Lithuania. The Poles, taking advantage of the fact that most of the Lithuanian troops are engaged on the northeast frontier against the Bolshevists, have moved into the southwest of Lithuania and penetrated beyond the demarcation line laid down by the supreme council of the Allies as a provisional boundary.

They still continue to hold towns beyond this line in defiance of the peace conference.

The Lithuanian delegation at Paris made strong protests to the supreme council against the Polish invasion of Lithuania.

Due to the continuous Lithuanian protests and appeals, July 10, 1919, the Poles were ordered by Gen. Foch to withdraw from Lithuania. July 13, 1919, the Polish Army crossed the line of demarcation and continued its aggressions by invading larger territory, looting everything of value and deporting prominent Lithuanian nationals.

A new line of demarcation was established. The Polish Army crossed this line and penetrated more than 50 kilometers into Lithuania, so the line of demarcation once more was moved deeper into Lithuania by the peace conference to accommodate the advancing invaders.

It is with great pain that the Lithuanians have witnessed the Polish contribution to the cause of the Bolsheviki by invading Lithuanian territory. It is still greater pain to see that allied officers accompanied the Polish invaders.

It is not the interests of Lithuania alone that prompt us to call attention to Polish aggressions, but the interests of American and European civilization as well.

Lithuania is conducting two wars, one against the Bolsheviki and the other against Poland.

The small but valiant army of Lithuania was very successful in her war with the Russian Bolsheviki. Near Koshedary they won a decisive battle from the Bolsheviki and reached the outskirts of the capital city of Lithuania—Vilna.

But while the Lithuanian general war staff was completing plans for the reoccupation of Vilna, the unexpected happened; the Bolsheviki turned Vilna over to the Poles.

From different sources it was ascertained that there was a secret agreement between Poland and the Russian Bolsheviki. Under this treaty the Poles are to destroy the Western Ukrainian Republic and receive as the price Cholm, Podlachia, all Eastern Galicia, Western Volhynia, and parts of White Russia, and Lithuania. Polish representatives, headed by Mr. Venekowski, at Moscow, are in constant communication with Warsaw. The Poles, under this agreement, are not to press the Bolsheviki actively, and no part of Haller's army was sent against the Bolsheviki. On the other hand, Listovski's army was withdrawn and sent against the Ukrainians.

The sources of the report of the Russian Bolsheviki-Poland pact are:

(*a*) The official organ of the Bolsheviki, Izviestia.

(*b*) "Golos Rossii" No. 104, July 6, 1919.

(*c*) Mr. Stepan Baron, Secretary of Ukrainian National Organizations, in his report, July 3, 1919.

(*d*) President Smetona of Lithuania, in a letter to Prof. Voldemar, Lithuanian delegate at Paris. (See cable to New York Times, July 30, by Selden.)

Nevertheless Lithuania will fight the Bolsheviki to the last breath, because her interest as well as the interest of humanity demands it. But it is beyond the power of that young republic, derelicted by the Allies, to continue two wars at the same time, and unless the indifference of the Allies be turned to moral support by immediate recognition of the independence of the Lithuanian Republic, and unless the United States and the Allies extend to her material support by giving substantial equipment for the Lithuanian Army, then we shall witness the extermination of an old, noble, idealistic nation under the heel of anarchistic Russia and imperialistic Poland. Europe will have a larger Bolshevist field to deal with and a stronger imperialistic nation to subdue to the democracy of the world.

STATEMENT OF MR. STANLEY KODIS, SUITE 1508, 105 WEST MONROE STREET, CHICAGO, ILL.

ECONOMIC GAIN TO LITHUANIA AND TO THE WORLD (INCLUDING RUSSIA) BY LITHUANIAN INDEPENDENCE.

The independence of Lithuania will benefit the world's commerce by eliminating the unnatural tariff system the object of which was to develop the trade of central Russia by making transportation conditions more difficult in the western regions of Russia, viz, Baltic Provinces along the Baltic shore.

The independence of Lithuania will open new markets for American products and not only that, but through Lithuania, owing to its geographical position, markets of western Russia, Ukraine, White Russia, etc., will become more accessible for American commerce.

The independence of Lithuania will not injure Russia economically or commercially, as in the past Russia did not use the rail or water ways in Lithuania which it could have afforded in commercial intercourse with the western world.

Now Lithuania, by acquiring and improving the port of Memel, will open up the hinterland. The River Niemen can be utilized not only by Russia to the east of Lithuania, but also by the nations trading with Russia and with Lithuania, giving a much shorter and, therefore, more economic route, eliminating wasteful double hauls. Moreover, the development of the canal system begun by the Germans during the occupation, in expectation of annexing Lithuania, will open an all-water route from Memel clear to the Black Sea. Russia, for political purposes, in the past created centers of industry and commerce in Petrograd and Moscow by building railways in such a way that merchandise had to be shipped first to either one of them before it could reach its final destination. A glance at the map will show that Memel is on a line almost due west of the Kiel Canal, and with the internationalization of this waterway is bound to become a great distributing point for Ukrainia and White Russia and the southern Provinces of Great Russia—but only if the incentive for the development of Memel is given by recognizing Lithuania's independence. Neither Poland nor Russia will ever develop this port which, for them, is in foreign territory.

Under foreign oppression Lithuania would not have the possibility for the exploitation of all of its natural resources, for instance, mineral paints, sulphur and other minerals, for some of which this country has to depend on Germany.

RELATIONS TO BOLSHEVIKI.

That Lithuania proved a very unfertile ground for Bolshevism is demonstrated by the fact that the Bolsheviki were unable to form at Vilna a Soviet out of Lithuanians; and that young men of Lithuania who were forced into the Red Army deserted it at the first opportunity in order to join the Lithuanian National Army. Further, the invasion of Lithuania by Bolshevfki aroused the greatest resentment against them.

The true spirit of Lithuania is exemplified by the battle of Zasliai, where Lithuanians, although surrounded by Bolsheviki forces five times greater, preferred to die rather than surrender. Such a spirit exists in Lithuania to this day notwithstanding the fact that it did not receive proper aid and assistance from the Allies at a time when it was most needed.

Lithuania does not wish to interfere with the internal affairs of Russia, whether the latter comes under the rule of Kolchak, the Bolsheviki, or any other form of government but the fact remains that Russia is the mother of Bolshevism, just as Germany is the father of it.

The independence of Lithuania means a solid and dependable wall against Bolshevism.

Lithuania can not and will not be satisfied with autonomy promised or given by Russia, regardless of its form of government because Finland, Poland, and Caucasia, having autonomy granted to them by Russia, were persecuted and oppressed. Lithuania also had autonomy on paper, having the right to elect certain officers, yet they were forbidden even to read a prayer book in their native language.

The need of Lithuania is recognition as an independent nation. It will thrive and grow on freedom as did the United States.

Independence means freedom and freedom means progress.

Do unto others as you would have others do unto you. Give independent freedom to Lithuania.

STATEMENT OF MR. J. J. HERTMANOWICZ, CHICAGO, ILL.

ARGUMENTS FOR RECOGNITION OF LITHUANIA BASED ON THE TREATY OF PEACE WITH GERMANY.

Mr. Chairman and gentlemen of the committee, the fight of the Lithuanian people is centered on the desire for recognition of Lithuania by the United States as a free and independent State. Under Section XIV, article 116, "Treaty of Peace with Germany," you will note that—

"Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were parts of the former Russian Empire on August 1, 1914."

Lithuania was formerly a part of the Russian Empire. She first officially declared her independence on February 16, 1918. That independence she has maintained up to the present time. She functions through a de facto government, republican in form. It is our contention that by compelling Germany to make these acknowledgments and agreements in this treaty, which Germany has formally ratified, Lithuania has come into possession of a recognizable status. If Germany was compelled to recognize the independence of these territories, of which Lithuania is one, then the rest of the world should recognize Lithuania's independence without coercion.

Article 117 provides that—

"Germany undertakes to recognize the full force of all treaties and agreements which may be entered into by the Allied and Associated Powers, with States now existing, or coming into existence in future, in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of any such States as determined therein."

Here again Lithuania qualifies for a recognizable status, for it came into existence as a de facto State a year and a half ago.

We have every reason to believe that recognition of Lithuania by the United States Government will be speedily followed by recognition from the great powers of Europe, and once this has been achieved Germany will give full force and credit to all treaties and agreements Lithuania may enter into with other powers.

Naturally we consider it indispensable that Lithuania be accorded recognition by the United States at the earliest practicable date. We do not come before the committee asking for a delimitation of boundaries or guaranties by covenant. These things we can take care of ourselves. If we need supplies or materials to conduct a defense against aggressions, we can give good security for payment therefor. But until we receive that recognition, which accepts us in the firmanment of nations as a sister state, diplomatic and commercial intercourse with the rest of the world must of necessity be beset with grave difficulties and our country subjected to great handicaps. If we are denied recognition, then all the blood we shed and all the depredations we suffered were in vain.

It is with a justifiable national pride that we note the spirit of the Lithuanian nation, and that the ideas, ideals, and principles of the American nation are those which have animated the Lithuanian nation for many centuries in the past and which will persist in the future. As evidence of this community of spirit and high principles we can point out to you in Lafayette Square in this city the monument to that hero of whom the English poet has said: "And Freedom shrieked when Kosciuszko fell." This hero of two hemispheres was the embodiment of Lithuanian virtues, ideals and priciples; his life mission was to promote the freedom, liberty and independence of all nations of the world, and his service to this union in the day of its infancy was no less than that of Lafayette. May the spirit of Kosciuszko, the Lithuanian patriot, inspire the representatives of this republic of freedom to recognize the freedom and independence of the country of his nativity.

STATEMENT OF F. P. BRADCHULIS, CHICAGO, ILL.

LITHUANIAN ATTITUDE TO GERMANY.

Lithuania and Germany have been for centuries mutually antagonistic. This attitude has existed ever since the so-called Teutonic knight crusades against Lithuania, and from that time German influence in Lithuania has found no field. Even in that part of Lithuania which forms the extreme northern part of east Prussia and which was dominated by the Germans for four centuries, Germany failed to change the people's customs or their language, and this is an evident proof of the antagonism which flows from generation to generation in the Lithuanian race toward the Germans.

Practically the whole of Lithuania, in 1915, was occupied by German military forces, and from that time they held it continuously until the date of the armistice and after. Germany believed that by that conquest the whole of Lithuania would be incorporated into the German Empire, and acting upon that assumption from the very day of its occupation it introduced its well-known system of "Kultur." It suppressed the publication of the then existing Lithuanian newspapers, introduced the German language in all the schools of Lithuania, and changed the names of towns, streets, and even villages, giving them German names. Meetings of every nature were prohibited. Time and again appeals were made to the Berlin Government for the rights of the Lithuanian people, but all was in vain, and only, apparently, when the German militarists realized that their success in the domination of the world was doubtful did they permit in Lithuania the organization of a national council or "Taryba," but they permitted it no right to exercise its functions except in very insignificant matters. The Lithuanian people, knowing Germany's systematic practice of Germanization in conquered territories, became united in patriotism and antagonism toward the Germans. Germany seeing such resistance, gradually moderated its attempts at Germanization.

Since the armistice Germany, realizing that it will be compelled to leave Lithuania, has decided to strip the country of everything valuable by requisitions and exportations to Germany of property amounting to millions of dollars, without any remuneration for the same.

The following statistics will show at least part of the property taken away from Lithuania and its value.

Lithuania, by reason of inherited opposition to Germany, created in the hearts of its people centuries ago by the Teutonic knights, as well as by the acts committed by Germany during this war, will stand as a stone wall against German eastern expansion.

Lithuania having its own port, Memel, on the Baltic Sea, will become absolutely independent of Germany, and it is certain that she will build up commercial relations with England and the United States rather than with her natural enemy, Germany.

No German influence, either commercial or political, can penetrate into or through an independent Lithuania.

ARTICLES EXPORTED FROM LITHUANIA BY THE GERMANS DURING THE OCCUPATION.

In No. 8 of the "Verwaltungs-Bericht der Militarveraltung Litauen Bezerk Nord" (report of the military administration of Lithuania, northern district) are given the quantities and the kinds of articles which the Germans have exported from the northern district of Lithuania to Germany or which they have requisitioned for the needs of the German army on the various fronts. The figures are given for the period of time between the date of the establishment of the "Verwaltung" (German administration) in Lithuania (February, 1916) and March 31, 1918.

The amounts (in marks) are as follows:

Articles exported.	German prices in Lithuania.	Value in Germany.
Wheat and other articles of food	54,655,[illegible]	78,[illegible]
Cattle, meat, butter, fat, etc	77,397,18[illegible]	137,[illegible]
Feed (fodder)	12,578,007	17,[illegible]
Articles manufactured or obtained from bone	1,092,7[illegible]3	1,[illegible]
Seeds	7,736,0[illegible]	1[illegible]
W[illegible] cotton, flax, etc	12,176,8[illegible]	[illegible]2,047,[illegible]
Metals	5,604,[illegible]85	10,0[illegible]
Chemical products	59,300	5[illegible]
Hides and rough leather	2,69[illegible],817	5,87[illegible]
Worked leather	793,833	1,[illegible]
Bark for tanneries	676,072	[illegible]
Hog bristles, hair, feathers	1,896,546	3,[illegible]
Salughterhouse refuse (?)	110,374	[illegible]
Oils and other fats	357,300	[illegible]
Rubber and rubber articles	29,807,385	43,335,[illegible]
Vegetable essences and fatty oils	203,831	[illegible]
Smokers' articles	5,676	[illegible]
Timber	29,8[illegible]7,385	43,33[illegible]
Miscellaneous	63[illegible],800	1,[illegible]
Total	398,710,[illegible]	338,[illegible]

It will be seen that since the establishment of the "German administration" in north Lithuania (February, 1916, to Mar. 31, 1918) that during two years and a half, there was exported into Germany through the intermediary of the "German administration" of Lithuania, in various articles, a value of more than 208,000,000 marks, according to the price fixed by the Germans in Lithuania, or a value of 338,000,000 marks, according to their value in Germany.

It should be emphasized here that this enumeration does not include articles and merchandise requisitioned for the needs of the German Army nor articles exported at the commencement of the occupation before the creation of the "Verwaltung" (administration). Moreover as may be seen in the "Verwaltungs Bericht der deutschen Verwaltung Litauen" (report of the German administration in Lithuania), November 1, 1916, this list does not include articles requisitioned by the commissary officers (commandatures d'etapes) up to April 26, 1916, which are mentioned in the German reports as "sehr orheblichen Mengen"—very considerable quantities.

Nor does the list include the revictualment shipments (colis de ravitaillement) sent to Germany by German soldiers. These figures relate to the territory of Lithuania with the exception of the government of Grodno, certain parts of the government of Vilna, and some districts of Suvalki and of Augustovo, in the government of Suvalki. At present there are no figures permitting the valuation of various articles exported during this period from the district of Augustovo and Suvalki. Exportation from certain parts of the governments of Vilna and Grodno (south Lithuania) during the period amount to 140,078,541 marks, according to the prices fixed in Lithuania, or 200,023,453 marks according to their value in Germany. So that altogether the articles exported from Lithuania down to March 31, 1918, amount to 538,000,000 marks, without counting the districts of Augustovo and of Suvalki, which is about 214,000,000 marks a year.

The various articles imported into north Lithuania, from Germany or by way of Germany, reached 77,000,000 (77,308,570) marks, and in south Lithuania, 61,000,000, or in all 138,000,000 marks.

The difference between articles exported from Lithuania and those imported into Lithuania exceeds 400,000,000 marks, or approximately 160,000,000 a year.

We have no figures permitting the valuation of articles which the Germans have exported during the past year (Mar. 31, 1918–Mar. 31, 1919), but we have no reason to believe that they have decreased. On the contrary, it is proved that the Germans have progressively organized exportation from Lithuania; for example, according to the "Verwaltungs Bericht" No. 6, the Germans had exported from north Lithuania, down to March 31, 1917, 62,000,000 marks worth of merchandise, according to their value in Germany, but during the year, March 31, 1917 to March 31, 1918, they exported from north Lithuania 227,000,000 of marks, an amount representing more than 100 per cent increase. It must be admitted necessarily that during the past year they have not exported less of various merchandise than in 1917. Hence the quantity exported from Lithuania exceeds the quantity imported by at least 560,000,000 to 600,000,000 marks.

But the Germans priced all the articles exported at a very low figure, e. g., a "poud" (16 kg.) of rye at 2 m., 30 pf., etc. If this difference in price is taken into account, Lithuania has suffered a loss of some hundreds of millions of marks a year.

It is very interesting to study the following figures, relative to goods exported up to March 31, 1918 (in marks).

	From north Lithuania.	From south Lithuania.		From north Lithuania.	From south Lithuania.
Rye	4,770,800	464,714	Cheese and curdled milk	1,552,500	1,385,330
Wheat	2,094,018	309,772	Hay	13,968,329	4,772,744
Barley	5,796,050	2,705,530	Straw	3,026,280	19,675,720
Oats	13,538,990	3,348,384	Clover seed	1,658,085	932,287
Potatoes	4,771,650	8,215,453	Flaxseed	9,921,199	797,018
Eggs	13,583,006,	4,204,281	Miscellaneous	18,377,397	561,507
Fish	2,503,500	44,896	Wool	1,965,110	7,439,910
Shellfish	656,760	75,518	Rags	1,914,647	1,732,580
Fresh fruit	1,193,884	260,446	Gold coin	2,187,072	.....
Marmalade	25,443,758	7,886,764	Gold	10,600	.....
Horses	49,890,000	23,176,230	Copper	2,428,418	2,198,519
Cattle	54,088,860	6,749,157	Copper coin	3,457,015	1,515,521
Ducks	5,508,500	175,360	Timber	43,335,920	41,321,932
Chickens	1,117,000	600,683	Green hides	5,876,000	7,891,788
Meats (ham, fats)	5,503,000	1,049,995	Hair and bristles	3,401,344	2,059,480
Butter	16,110,000	6,022,486			

Some of these articles, estimated by weight, give the following figures:

Articles.	Exported.	
	From north Lithuania.	From south Lithuania.
Rye ..... poods	1,350,296	103,210
Wheat ..... do	464,637	74,688
Barley ..... do	1,178,947	521,403
Oats ..... do	2,734,508	658,923
Potatoes ..... do	3,051,508	3,167,496
Eggs ..... number	45,274,002	12,565,826
Fresh fruits ..... poods	303 494	74,388
Marmalade ..... do	1,129,404	316,116
Horses ..... number	49,440	24,051
Geese ..... poods	139,151	7,917
Fowls ..... do	113,695	63,419
Butter ..... do	158 172	13,920
Cheese and curdled milk ..... do	98,454	39,429
Hay ..... do	8,754,110	1,812,735
Straw ..... do	3,281,434	978,486
Clover seed ..... do	33,275	38,718
Flaxseed ..... do	937,925	69,372
Miscellaneous ..... do	1,067,835	46,014
Wool ..... do	22,046	89,202

Articles, valued in marks, exported from the whole of Lithuania (north and south).

	German price in Lithuania.	Value in Germany.
Wheat and other articles of revictualment	76,475,582.53	112,301,112.39
Cattle, meat, butter, fat, etc.	102,737,633.81	177,174,951.91
Forage	16,156,3 5.36	23,195,532.45
Articles manufactured or derived from bone	1,235,857.00	1,431,378.00
Seeds	9,112,548.47	14,791,151.00
Wool, cotton, flax, etc.	44,340,539.08	71,486,326.00
Metals	8,906,2 3.75	15,005,546.80
Chemical products	1,263,663.00	5,154,421.00
Green hides	7,707,642.00	13,767,788.00
Leather	4,436,798.00	8,249,054.00
Tan bark	913,482.00	1,126,0 0.00
Hair, hog bristles, feathers	2,594,216.40	5,460,824.16
Slaughterhouse products	303,198.40	543,444.50
Oils and fats	1,024,465.90	1,917,282.35
Rubber and rubber articles	227,558.00	419,031.00
Vegetable essences and fatty oils	203,831.00	203,831.00
Smokers' articles	5,676.00	5,676.00
Timber	70,0 8,704.30	84,657,852.25
Miscellaneous	1,111,834.43	1,738,723.31
	348,784,839.43	538,629,246.12

In order to have a fairly complete idea of what the exploitation of Lithuania's natural wealth means we must bear in mind that all which has been hitherto mentioned concerns only products exported by Germany.

A large quantity of products was utilized for the needs of the country, e. g., the forests furnished all the wood used in the war—fortifications, trenches, railroads, etc.

(By direction of the chairman, the following additional statement in the case of the Irish is here printed in the record, as follows:)

Statement of John O'Dea, Philadelphia, Pa., national secretary of the Ancient Order of Hibernians in America:

Mr. Chairman and gentlemen of the Foreign Relations Committee of the United States Senate, realizing that the time of those who desire to address your honorable committee on this occasion must necessarily be limited, I shall merely quote the language of the resolutions bearing on the subject at issue, adopted at the National Convention of the Ancient Order of Hibernians in America, at San Francisco, Calif., July 15–19, this year, I having been a member of the committee which presented them for consideration and adoption:

"We join in the joy of the triumph of the Great Republic in the war. Our service as citizens, as creators of the munitions of war, and as fighting men in the armed forces have now been written upon another page which records the unbroken loyalty of men and women of Irish origin to the Government of America. Moved by a supreme sense of duty in the hour of danger, there was no hesitation in our response. Just as the soldiers of the Continental Army were called the 'Irish line'—as the armies of both North and South had Irish brigades—as every war for the preservation of American principles has been won through Irish valor and the eagerness with which Irish brain and brawn served in toil and trust, so also were the victorious fields of this war reddened with Irish blood gladly given in the belief that the land of their citizenship was again stretching forth its mailed hand to demolish the strongholds of despotism and shatter the shackles that bind freemen to the chariot wheels of predatory empires. Our fighting men and our honest citizenship still hold this belief. We do not accept the interpretation that the only fruit of this war is a phrase-made democracy. We do not believe that either the Government or the public opinion of our country will seek to avoid that responsibility of victory which forbids a denial of its just share of happiness to the inhabitants of that noble isle which sent forth the stream of exiles whose sons shared the sacrifices of America and look for the emancipation of their ancestral nation as the reward of gratitude and the verdict of honor. We hold that the primary law of equity shall be broken by a withholding of American sympathy from the Irish people, and that a harmonious cooperation of the great powers sufficiently cordial to insure peace will be impossible with the continued subjection of Ireland to an alien rule. We hold that the American Government has ever been solicitous for the freedom of others, waging war to secure it for small nations, repelling oppression on its own soil and in foreign lands, possessing a strong sense of what is just to the American people, and recognizing that this sense of right impels active sympathy to resist encroachments upon the rights of other peoples.

"The pride of American citizenship treasures the generous deeds of the founders of liberty here, and remembers the bold words which rebuked foreign rulers who dealt harshly with their unwilling subjects. We are confident that history will repeat itself; that there will be no turning back of the clock of progress; that there shall be no easy acceptance of the failure of the tribunal of plenipotentiaries at Paris to fulfill the mission of democracy; that there shall not be a delusion that it is not our business to sit as judge in the cause of Ireland versus England, but that the cry shall rise from the hearts of America that the words of the Declaration of Independence are still living words—that a disregard of others' claims will provoke active encroachment upon our own; that the battle for democracy did not end on this continent at Yorktown nor in Europe at the Rhine, but that democracy is a mighty and irresistible yearning of the human heart for equality of opportunity; that none can be wholly free until all are free; none wholly just until all are just; none wholly happy until all are happy.

"Whereas the Republic of Ireland has been proclaimed by a determined and united people, and is hailed throughout the world by a confident and jubilant race; it is

"*Resolved*, That the brave and generous Irish people have struck a mighty blow for true democracy, have filled with pride and delight the heart of the great Celtic family, and have rallied the scattered hosts of Irish freedom with this uplifting of its glorious banner and the unsheathing of the ancient sword. The shattering of an out-

worn despotism in the stronghold of its power with the marshaled mind of a fearless people is a vivid vindication of the deathless truth which rises from the ashes of martyrs to immortality in the character of a people. The hopes of this generation glow in exultation of the two victories—the defeat of a foe's intrigue, and the conquest over its own betrayers. In 1914 the trustees of the Irish people, in an hour of grave decision, without casting one glance at the past, without asking one pledge for the future, threw down the fate, the freedom, and the good name of a whole race at the feet of the oppressor. But this generation looked upon the gigantic spirit of Ireland as it threw off the thrall of treason and in a single deed of heroism flung defiance in the face of power. We witnessed the miracle of a people who led themselves; who saw when their leaders were blind; who saw a living nation which held in the depths of its love the vision of its hallowed dead and formed the dream into a breathing image of splendor from its own blood and its own faith. We saw a nation save its soul when all seemed lost; a nation which snatched its honor in thunderous courage even from the lightning blast of shame. The elevation of sentiment, the noble sacrifice of precious lives, the devotion of millions to an immortal patriotism, the establishment of a representative government reflecting the public will not only called forth the ardor of Irish loyalty, but aroused the admiration of all mankind with its proof that eight centuries of usurpation had failed to make hewers of wood and drawers of water of the fighting race, showing that its unconquerable spirit was still unbroken, and that its defenders stood upon the soil of their country as free citizens defending their homes against foreign aggression, defending democracy to-day with the same valor they guarded their faith on the walls of Limerick.

"*Resolved*, That there can be no peace among men while Ireland's long war for freedom is unclosed by victory; no covenant binding the nations in a fraternal amity; no league of Governments worthy of the respect of honest freemen until we have a treaty that shall acknowledge its sovereignty. Any vaunted charter of human rights will be looked upon as a 'scrap of paper' if it bears not the name of the historic nation which has stood embattled against an alien rule of inhumanity, whose sons have wrought the charters of new states, and whose faith during the age-long epoch of human wrongs gave first a fiery meaning to 'human rights.' The rule of Ireland by England is an affront to the conscience of humanity—a feudal relic surviving from an age of barbarism, and exhibiting the degraded system of senile bigotry to a world reforming its society and purifying its constitutions from the taint of despotisms—a system vanquished in Europe by four years of slaughter, and overthrown by the Continental Army during the revolution which freed America from the same enemy that has gripped the throat of Ireland so long and so cruelly. The instinctive feeling of hope that the reign of good will would come with the return of general peace has been rudely insulted, the belief in justice has been violated by the tribunal which heard the whisper of the breaker of treaties, but could not hear the clear call of the gallant land which has 'fought the good fight and which has kept the faith.'

"*Resolved*, That this convention pledge its aid in every effort made to achieve the full independence of Ireland; that our felicitations be extended to President Eamonn de Valera, of the Irish Republic, and that we officially petition the President and the Congress of the United States to grant recognition to Ireland as a free and independent nation. We condemn the illiberal action of the peace conference in denying a hearing on the right of Ireland to self-determination, and regret that America failed to protest against this rebuff to the representatives of the Irish Republic. For we are convinced that the judgment of the peoples of all free nations will decide that the political degradation of Ireland is a menace to that democracy for which the great war was won, and that the American people will extend their invincible and traditional sympathy to the new nation which has founded its institutions upon the model of the mother of republics; that her statesmen will realize the peril and the shame of ingratitude to a people whose sons and daughters have never stood back in the day of danger to this Government, and ask now but a requital of their loyalty that there may not be again a black spot on the map of a free world, but masters of their fate, and sharers in the security and happiness of just government—such government as that for which they have striven so fiercely in other lands and which they now have erected, after ages of bitter suffering, in their own.

"We recommend that the incoming national officers communicate forthwith with the members of the order, through State, county and division officers, urging the most earnest cooperation in the effort to win American recognition for the Irish Republic—urging also that, as citizens of the United States, they support only those Senators and Representatives who stand openly for American independence and for the American system of self-government for all the peoples of the world, regardless of the race or creed of the oppressors or the oppressed."

JOHN O'DEA.

(By direction of the chairman the following memorandum entitled "The case of Japan in the peace treaty," by Toyokichi Iyenaga, is herewith printed in the record as follows:)

THE CASE OF JAPAN IN THE PEACE TREATY.

By Toyokichi Iyenaga, Ph. D., professorial lecturer in the Department of Political Science, University of Chicago; director, East and West News Bureau, New York City, N. Y.

It is a very delicate matter for a foreigner to discuss an international question affecting his country, which has become the subject of controversy in the United States Senate. Having profound respect for American traditions, I would not dream for a moment to overstep the bounds of propriety. I am, however, confident that the American people love fair play and would like to hear Japan's side of the case, as told by one of her sons. I feel also, as a recipient of all the blessings of American education and institutions, it is my duty to do my utmost for the continued maintenance of amicable relations between America and Japan and for the harmonious development of their respective interests and welfare. It is with these convictions that this leaflet is laid before you.

JAPAN'S PART IN THE WAR.

The world has short memory of the past. It is already beginning to forget the sacrifices and efforts of the allied and associated powers and their concerted action, which have brought Berlin war lords to their knees. We stand on the threshold of peace. Shall we delay its dawn? Endeavors are now being made to minimize the war contribution of an ally and to win by tongue and pen, by intrigue and slander, what was achieved by the expenditure of blood and life energy. I am under no obligation to point this out by implication. To be frank, this is the present attitude of the Chinese agitators. True, compared with the stupendous exertions of the United States, Japan's part in the war was small. No self-respecting nation would want to brag of its performance in the world-wide struggle. Nevertheless, if we gauge the war situation with broad vision, Japan's contributions to the allied cause would, I trust, attain their proper dimensions.

Japan entered the war in obedience to the terms of the Anglo-Japanese alliance, which imposed upon her the duty of conducting military operations in common with her ally in the regions of eastern Asia and its waters. I hardly need to emphasize that the fulfillment of the terms of the Anglo-Japanese treaty was in perfect accord with Japan's national interests, for the German aggressive designs in the Far East were a constant menace to her security and welfare.

Japan did her work with energy and thoroughness. She destroyed at one stroke the German power in the Far East by the reduction of the fortress of Tsingtao; hunted out the enemy warships roving the adjoining seas; patrolled the South Seas, the Indian and Pacific Oceans, during the whole period of the war; convoyed the troops of Australia and New Zealand to the battle fields of Europe and Asia; cooperated in the Mediterranean with the allied fleets in their operations against the enemy submarines; prevented the filtration of German influence and spread of Bolshevism into East Siberia; guarded the Hawaiian Islands and Pacific coast against the danger of German raiders, thus liberating the American Navy to devote its entire energy to its arduous task on the Atlantic and European waters; subscribed to the allied loans to the full extent of her financial capacity; provided the Entente Powers with munitions and other war materials; placed many ships at the disposal of the American Government for the transportation of munitions and cooperated with it in every possible manner; and, finally, she stood ever ready to respond to the call of her allies in case of necessity. That she did not fight on the European battle fields was not of her choice alone.

The real significance of Japan's participation in the war will, I hope, stand in bolder relief if we let the imagination play a little and picture to ourselves the contingencies that might have arisen had not the Japanese army and navy been mobilized against the Central Powers. Would the channel of communication and commerce between Europe and the Orient, between America and the Far East, with all that its security means, have been as safe as it had been for the entire period of the war? What part of the allied fleets, in addition to those already dispatched, must of necessity have been withdrawn from the home waters to safeguard the road from Aden to Shanghai, to the great joy of Von Tirpitz and his coteries? Would not Germany, with her strong base at Kiaochow, have played a formidable rôle in disturbing the tranquillity of China, to the great detriment of the allied cause? Would not German propaganda, once so

active in stirring up revolt in India and in the Straits Settlements, have been some measure of success, to the prejudice of Britain's interests in her Asiatic dominions? In short, how was peace in the Far East and the Indian and Pacific Oceans, covering almost half of the globe, preserved during the entire period of the war and how were the interests of the Entente Powers therein safeguarded? I venture to say that Japan's allies during those dark days of the unsurpassed conflict took full cognizance of these facts and were not slow to give proper recognition.

DIFFICULT POSITION OF JAPAN AMONG NATIONS.

Would that Japan were blessed by bounteous Providence so that she could follow the example of America and forego of her own accord any material compensation for her war efforts. For full comprehension of Japan's position I would ask that Americans to detach themselves for a moment from their own standpoint, from the most favorable position they find themselves in. With vast dominion and unlimited resources at her command, the United States can leisurely follow the path of idealism which she has chosen. For her mighty efforts during the war, for the sacrifice of 300,000 of her sons, and the expenditure of billions of treasure, American asks for no material compensation, but is content with the consciousness of having saved France and civilization from the scourge of German militarism. Confident of her giant strength and of the unique prestige born of her moral greatness, American can now address herself to the new task of leadership in world affairs which has been thrust upon her as the outcome of the war.

The position of Japan is different. Circumscribed within a narrowly limited area, with scanty resources, and crowded with two-thirds of the entire population of America, Japan's problem of existence is not an easy one. Modern Japan, since her renascence half a century ago, had a hard, up-hill struggle to reach her maturity and present status. Only by dint of energy, perseverance, and patriotic sacrifices of the people has the Japanese nation succeeded in entering the ranks of the five powers. Under the circumstances, constant vigilance, careful husbanding of her resources, and wise safeguarding of the fruits of whatever efforts she makes, are essential to Japan's existence and to maintaining her present standing. Flanked by huge neighbors, whose weal or woe, strength or weakness, is bound to affect her own peace and security, Japan is facing an unparalleled predicament. Such a nation, however idealistic at heart, can not afford to spend its energy for altruistic purposes alone, and neglect to take every precautionary step necessary to insure its independence. The policy of self-preservation and of assuring the position she has attained is the one Japan is given to pursue.

Every experience which Japan has gained is a priceless lesson to her. In 1895 she tasted the bitter cup of being deprived of the best fruits of victory in the costly war with China through the machinations of certain European powers, and not long after of witnessing those fruits slip from China's grasp and fall into European hands. Is it difficult, then, to understand that, in order to forestall a repetition of this experience at the peace conference which was to settle the World War, Japan felt it necessary to assure herself of the support of her claims by her allies at the peace table? This will explain the agreements entered into in 1917 between Japan on the one hand and Great Britain, France, Italy, and Russia on the other, as well as the China-Japan agreements of 1915 and 1918. Can we justly blame Japan for concluding these conventions, in view of the fact that the world has short memory of the past, as I said at the outset? At the same time, it should not be forgotten that these agreements were made after the Great War had been raging for two years and a half, and that by these instruments Japan reciprocally undertook to support the respective claims of her allies on German territories and colonies at the peace conference.

THE BASIS OF THE SHANTUNG SETTLEMENT.

The aforesaid treaties are the basis of articles 156, 157, and 158 of the Versailles treaty. The terms of the latter treaty are substantially the same as those specified in the former. So long, therefore, as these treaties stand, so long will the Shantung clause of the Versailles treaty stand. Consequently, Chinese advocates are consistent, at least, when in trying to annul the Shantung decision, they advocate the abrogation of the China-Japan treaty of 1915. This, however, is out of the question. Great Britain, France, and Italy stand upon their honor. Nor will Japan ever consent to be a party to the abrogation of the treaty of 1915. Moreover, in adopting such a grave course, China must be prepared to turn into "scraps of paper" many of the treaties she has concluded with other powers. No statesman, I presume, will subscribe to such a program of upsetting the international order now maintained in China and reenacting in that country the chaos and anarchy of Bolshevik Russia.

AMERICA'S STAND ON THE SHANTUNG DECISION.

That the United States has assumed a different position with regard to the Shantung decision from what I have stated is intelligible. The country entered the war in April, 1917, and is not a party to the agreements concluded among the Allies during February and March of the same year. Nor has it recognized the China-Japan treaty of 1915. According to the disclosure made in President Wilson's statement of August 6 of the circumstances that led to the Shantung decision, we are made aware that the President agreed to it upon the basis of the policy—as detailed in the above statement—declared by the Japanese peace envoys, Baron Makino and Viscount Chinda. In the discussion that was to decide one of the most hotly disputed questions at the Paris conference, President Wilson further enlightens us that "reference was made to the enforcement of the agreements of 1915 and 1918 only in case China failed to cooperate fully in carrying out the policy outlined in the statement of Baron Makino and Viscount Chinda." By thus supplementing the statement issued on August 6 by Viscount Uchida, President Wilson has, I believe, taken pains to make his stand clear to the American people. It is made plain to all careful observers that the Shantung decision was the result of the compromise effected by principal representatives of the great powers. America can not very well call to account the allied powers for the conduct of the war or the arrangements made among them prior to her entrance into the war. This appears to me to afford an explanation of what President Wilson told his callers, as was often reported in newspapers, to the effect that America alone could not settle the terms of peace.

PROGRAM FOR THE EXECUTION OF THE SHANTUNG DECISION.

The Shantung program announced by Japan's peace envoys and now elaborated by her foreign minister is (1) to restore Kiaochow in pursuance of the assurance given at the peace conference and in fullfillment of the pledge she gave to China in 1915; (2) to operate the Tsingtao-Tsinanfu Railroad as a joint Sino-Japanese enterprise without any discrimination in treatment against other nationals, Chinese policing the road; (3) to establish in Tsingtao a general foreign settlement, instead of an exclusive Japanese settlement, as was at first contemplated; (4) to completely withdraw the Japanese troops now guarding the territory upon the completion of these arrangements with China. In this way Shantung will come to attain the same status ruling in other Provinces of China. The Shantung settlement, therefore, does not infringe upon the territorial integrity of China or her independence. Rather does it serve to recover China's sovereignty which Germany had in fact over-ridden at Kiaochow in 1898.

After the reaffirmation by Viscount Uchida of the pledge repeatedly made by Japan's responsible statesmen and her representatives at Paris and Washington to restore Kiaochow to China, deed alone would convince those who still doubt Japan's sincerity of purpose. How such a step can be taken before China signs the treaty, I do not know. The execution of the contract can not take place while the other party is out of the ring. The responsibility of delaying the steps leading to the redeeming of Japan's pledge can not be shirked by China so long as she refuses to sign the Versailles treaty. The deadlock, however, can not last long. I entertain a strong hope that China will soon see the wisdom of adopting a course that will insure the benefits vouchsafed her by the Versailles treaty by affixing her seal to it, and avoid the danger involved in making a separate peace with Germany.

THE SHANTUNG CLAUSE CONTRASTED WITH THE PORTSMOUTH TREATY.

The one and sole weakness in the Shantung decision, I will admit, is the outward appearance it unavoidably partakes that the Allies have given the award to Japan at the expense of a friendly nation, and that Japan has become heir to the leasehold and rights which Germany extorted from China on the barest of pretenses.

The status of Kiaochow under German occupation was, however, scarcely different from that of Port Arthur and Dalny under Russian occupation. Nevertheless, when one compares the terms of the Shantung settlement with those of the Portsmouth treaty he will immediately notice a very marked difference. The treaty which was concluded through the good offices of President Roosevelt transferred to Japan without much ado the Russian leasehold of Kwangtung territory, wherein Port Arthur is located, of the South Manchurian Railway and of all the rights and privileges appertaining thereto, together with the right of stationing troops to guard the line. By the Versailles arrangement, on the other hand, the Kiaochow leasehold will be given up, the railroad is to be brought under joint management, and a trace of military occupation will be completely wiped out by the withdrawal of Japanese troops from Shantung.

THE GERMAN-CHINA TREATY OF 1898 AND ITS SEQUEL.

It is well to remember that the German-China Treaty of 1898 received the recognition of most of the great powers, including the United States, and had been in force for 16 years. During this period not a voice of protest was raised by the Chinese or by the citizens of other powers against Germany's leasehold of Kiaochow or her activities in Shantung. For all practical purposes Kiaochow was German territory, and at the outbreak of the war it was used as the base of military and naval operations against the Allies. The Tsingtao-Tsinanfu Railroad transported the German forces and supplies. It was this enemy territory and property that Japan wrested in 1914 and thus wiped out the menace of Germany in the Far East. Viscount Uchida reminds us in his late statement that in the ultimatum addressed to Germany by Japan on August 15, 1914, the latter power demanded of the former to deliver Kiaochow not later than September 15, 1914, without condition or compensation, with a view to eventual restoration of the same to China, and that this demand has never elicited any protest from China or any other power. It would be easy enough to say, now that the war is over, that China could without difficulty have ousted the Germans. To argue against such a contention would be silly. Yet there is one point loudly noised abroad against which I can not help protesting. It has been asserted that China has been prevented by the machinations of Japan from entering the war at its first stage. This is a falsifying of history. The conditions prevailing in China at the time of the outbreak of the Great War and the details of her final entrance into it are exhaustively described by Mr. Kawakami in his book entitled "Japan and World Peace."

It is further asserted by those who espouse China's cause that the declaration of war against Germany by China had the effect of abrogating the treaty of 1898 and restoring to China all rights which she granted to Germany. It is true that war cancels political treaties of a temporary nature between belligerents; but under international law it would seem, as Senator Robinson so ably maintains, that "such a treaty as that between China and Germany, in which China agreed to accept the status of other nations with which Germany was at peace, in so far as the leased territory is concerned, would not be abrogated ipso facto by the outbreak of war between China and Germany." Aside from this contention, there is one incontestible document—incontestible unless it is made void by force—by which China agreed upon the transfer of these German rights to Japan by stipulating in it to "give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung." That China was acting in good faith to execute the terms of this treaty, with no intention of abrogating it, is clearly shown by the conclusion of the agreement of 1918. This agreement, which China herself initiated, was the sequel of the former treaty—I mean the China-Japan treaty of 1915. The contracting of loans for the purpose of building railways in Shantung, with other enterprises China has undertaken in conjunction with Japan since 1915, is a strong confirmation of my contention.

JAPAN AND OTHER POWERS IN CHINA.

Whether foreign leaseholds, settlements, and concessions in China, together with railroads operated under foreign management, should or should not be tolerated is a question of highest importance demanding the most careful consideration of the world leaders. The fundamental principle underlying the Shantung question is nothing but the question whether or not to tolerate this state of affairs in China, and equity demands, it seems to me, the solution of the two in one way or the other. This, of course, opens up a vast problem of China's reconstruction. The establishment of foreign settlements is the result of the policy of seclusion China has pursued. They are at the present day the only avenues through which foreign commerce flows and the business of foreign merchants transacted. The abolition of foreign settlements would necessitate the opening up of the whole country. With it will arise the question of the abolition of extraterritorial jurisdiction and that of recovery of the tariff autonomy and other no less weighty questions. These are, however, irrelevant to the subject I am presenting.

The actual fact is that there are in China several foreign leaseholds and foreign settlements, that China has in the past granted for one reason or another industrial and economic rights and concessions to foreign powers, and that many railroads in that country are placed under foreign management. I can, therefore, see no reason why Japan alone should be singled out and made the target of attack. Japan above all

other nations has the unimpeachable right, because of the propinquity of her territory to that of China, to safeguard her special interests therein if any power is permitted to retain its vested interests at all.

I daresay that Japan will follow the suit of other powers if they decide to give up the leaseholds and settlements they maintain in China; if they return to her the rights and concessions they have secured therein and withdraw their troops now quartered at Peking, Tientsin, and other places; and, further, if China sufficiently demonstrates her ability to defend herself and maintain her integrity by her own arms instead of shifting the burden to Japan to stand in the Far East as a bulwark against outside aggression. Then Japan is safe, China free and will have attained all that she is clamoring for to-day. Among the great five the United States is the only disinterested power, free from the web which history has woven. This, if I am not mistaken, is the reason why China, backed by scores of foreign advisers, is moving heaven and earth to persuade America to come to her own views, and is putting to a test the talent of intrigue and persuasion, which she has inherited through centuries, against hard realities. I am, however, inclined to think that the American people, who, however idealistic, hold as their first principle the doctrine of independence and "self-help," will first see, before they commit themselves and take upon themselves the burden of China, what she has done to help herself. The history of the past few decades is a sad commentary upon China's lack of "self-help." In fact, the genius of intrigue and wrangling, with which the Chinese are so strikingly endowed, is rending the country into factions and leading it to disintegration and disaster. I shall go no further upon this subject, for it would be un-Christian to try to pick a beam in another's eye. Japan's shortcomings and blunders, especially in her dealings with China, have been many and grievous—this I would be the first to admit. At the same time I hold that in the adjustment of international issues we should plant our feet upon firm ground of facts, not upon the Utopian plane.

That the millenium has come neither to the world nor to the Paris conference is sufficiently demonstrated by the defeat of the Japanese proposal to put among the articles of the covenant of the league of nations the principle of equality of nations and fair treatment of their nationals. Nothing could be more in accord with the principle of justice and humanity than this proposal. Its defeat shows that we have to take into consideration the idiosyncrasies, temperaments, and prejudices prevailing among different races, and the actual conditions ruling in the world, in order to build up a safe and solid foundation for international order. If we apply one principle of our liking to solve a problem, we should be ready to accept the application of the same principle in the unraveling of other problems. If we refuse to accept Japan's proposal above mentioned on the ground that the world, as it is, is not ready for its adoption at the present time, we can not consistently decry the Shantung settlement, which, however imperfect it may seem from a purely idealistic standpoint, rests upon hard realities—the world as it is—that is to say, international agreements, historical precedents, and the existing state of affairs in China.

JAPAN'S PARTICIPATION IN THE DEVELOPMENT OF CHINA'S RESOURCES.

Japan has a good cause for her participation in the development of China's resources. She has a crowded population, which is increasing approximately at the rate of 800,000 per annum. Furthermore, this crowded and ever-increasing population is debarred by some nations of white race from seeking its fortune in the most favored and sparsely populated regions of the globe. How, then, can Japan feed, clothe, and shelter her people? The best and safest road leading to the solution of this pressing problem lies in the development of her industries and expansion of her commerce. In pursuing this policy, Japan is sadly handicapped by the lack of raw material. But in her neighbor's territory there are vast resources, untouched and unused, the unfolding of which will not only meet Japan's wants but will equally benefit China and the world at large. Japan maintains that she is entitled to the privilege of cooperating with China in the unearthing of the treasures that lie unutilized. America, I am confident, will not grudge to see justice in Japan's claims. It is just as wrong to impute America with the thought of obstructing Japan in every avenue of her growth as it is unjust to charge Japan with harboring sinister designs upon the Philippines or Hawaii. The sooner these unwarranted suspicions and fears are set at rest the better for the future of both countries.

PRESENT SITUATION AND AMERICAN-JAPANESE RELATIONS.

I am supremely confident of the continuance of amicable relations between America and Japan. Speeches might be made denouncing Japan worse than the Satan of Milton's creation; intrigues might be attempted to embroil the United States in trouble with Japan: but I am sure that these labors will come to naught. For the interests and forces, inherent and dynamic, which bind the two great nations on the opposite shores of the Pacific, are so manifest that no amount of scheming could alienate their friendship. These interests and forces can not, of course, be estimated in terms of dollars and cents. But to give one illustration: America's trade with Japan amounts to $400,000,000 annually, while her trade with China, which has a population five times larger than that of Japan, is valued at $200,000,000.

Notwithstanding this bond of amity across the Pacific, I can not shut my eyes to the dangers involved in the present situation. I fear that there might be a temporary lapse of mutual good feeling between America and Japan, with no slight consequence upon the Chinese-Japanese relations, if the present campaign of slander, abuse, and misrepresentation of Japan is left unbridled, for it not only poisons the minds of the American people but is bound to react on Japan.

Japan is now as democratic as America is. Militarism has been dethroned. Autocracy is a name alien to the Japanese people. The party government has come to stay. Public opinion there now wields a great influence. But public opinion is not always intelligent. It is often swayed by demagogues who might seize such an opportunity as this to ply their trade and to incite suspicions and fears of the good American people by propagating similar false stories about America, which we hear so often about Japan nowadays. The result may be the creation of a most unwholesome atmosphere where mutual trust and confidence—the heart of the league of nations—can hardly live. I have faith in the sound common sense of the Japanese people, which will enable them to remain calm and to rightly understand the origin and worth of the present entirely unexpected anti-Japanese wave. At the same time I beg permission to appeal most earnestly to the statesmen and leaders of public opinion in this country to vivify and strengthen those permanent interests and forces that make for peace, and thus paralyze the evil elements that act to bring discord.

(Thereupon, at 12.55 o'clock p. m., the committee adjourned until to-morrow, Wednesday, Sept. 3, at 10 o'clock a. m.)

TUESDAY, SEPTEMBER 3, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS.,
Washington, D. C.

The committee met, pursuant to adjournment at 10 o'clock a. m., in room 426 Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), Brandegee, Knox, Harding, Johnson, of California, New, Moses, Swanson, and Pomerene.

Senator BRANDEGEE (acting chairman). Senator Lodge has requested the committee to proceed with the hearing. He will return in a few minutes. Who is here to represent the question of the disposition of the Island of Aland?

Mr. JOHNSON. I represent the people of that island.

STATEMENT OF MR. ALEXANDER J. JOHNSON, EDITOR OF THE SWEDISH COURIER.

Senator BRANDEGEE. Please state your full name.

Mr. JOHNSON. Alexander J. Johnson.

Senator BRANDEGEE. And your residence?

Mr. JOHNSON. Chicago, Ill.

Senator BRANDEGEE. You may proceed.

Mr. JOHNSON. Gentlemen, the courtesy of your committee in affording me a hearing is highly appreciated.

When the newspapers announced that a number of subject nations had been permitted to present their respective claims of recognition on the ground of self-determination before the Committee on Foreign Relations of the United States Senate, it occurred to me that the Aland question might also properly be called to the committee's attention by the same opportunity.

Unofficially, I have already taken the liberty to present to each member of the Committee on Foreign Relations a review of the Aland question, condensed in a pamphlet entitled "The Aland Question Before the Peace Conference." All the facts of this particular case are there brought forward, and in order not to abuse your kindness in listening to me, I respectfully refer you to this exposé.

I will also take the liberty of asking your permission to have this little pamphlet included in the record.

Senator BRANDEGEE. It will be so done.

(The statement referred to is as follows:)

THE ALAND QUESTION BEFORE THE PEACE CONFERENCE.

Among questions coming up before the peace conference is the settlement of a group of islands, situated at the entrance of the Gulf of Bothnia and known as the Aland Islands from the name of the principal member of the group, which is surrounded by a crown of innumerable smaller islands and reefs.

The distance from Aland to the coast of Uppland (Sweden) is about 25 American miles (40 kilometers) and to the continent of Finland 50 Ameri-

can miles (80 kilometers). Aland has fifteen rural communities and one port, Mariehamn. On the 31st of December in the year 1913, the population amounted to 26,849, all counting themselves as Swedes and using the Swedish language. The principal exports consist of firewood, beef, and fresh fish, almost the entire output going to Stockholm, Sweden. The community of origin, language, sentiments, and customs have led the Alanders to desire a reunion with Sweden, and they have now finally petitioned the peace conference to sanction their request.

FINLAND OPPOSES.

This desire of the Alanders to determine their own fate is opposed by Finland, which new independent State has just recently been recognized by the great powers. In this connection, it should be stated that the Swedish Government was instrumental in bringing the then existing Russian Government to consent to Finland's independence. The Government of Sweden was the first to give Finland recognition as a new independent State, which action was then followed by Norway and Denmark. The Swedish Government also tried to persuade the great allied powers and the United States to extend such recognition to Finland, but in vain for a long time, until the efforts were finally crowned with success. In face of these facts, it is hard to believe that the Finland Government and people would continue their opposition to Aland's independence and reunion with Sweden, when they themselves have successfully claimed such independence on the very same principle of self-determination for all peoples, big or small.

NOT UNIMPORTANT.

To an American public it may seem unimportant what becomes of "a few thousand people" in a settlement of such magnitude as is now before the high council of the nations assembled in Paris. But there are no small or unimportant questions before that body. We have the word of no less a personage than David Lloyd-George to that effect. In his great speech before the House of Commons on the 16th of April, 1919, the great English statesman made the following confession:

"I have never heard of Teschen, but it nearly produced an angry conflict between two allied States, and there are many questions of that kind where missions have been sent and where we had to settle differences in order to get on with the different problems of war, and those questions are of importance to the small States. And it was the quarrels of the small States that made the great war."

ONCE PART OF SWEDEN.

After the fall of the autocratic government in Russia and during the course of the revolution, Aland seceded from Russia at the same time as Finland, the latter, however, now disputing the Alanders' claim to determine their own fate. In order to make clear the grounds on which this claim rests, it is necessary to pass in review the nature and the circumstances of both Aland's and Finland's separation from Sweden, of which kingdom they had been parts for hundreds of years.

When in 1809, by the Peace of Fredrikshamn, Sweden ceded Finland to Russia, it was not a cession of a distinct territory bearing that name. By the expression "Finland" was understood a number of governments (lan) and territories (landskap), which for the sake of convenience or brevity were so nominated in block. This expression did not mean anything more than the names of other parts of the Swedish Kingdom, such as "Svealand," "Gotaland," and "Norrland." In the treaty of peace, not "Finland," but the governments (lan) thus ceded were named. And in no other than a general sense were there ever any boundary lines limiting the extension of Finland, more than the frontiers of Svealand, etc.

NEW BOUNDARIES.

In the north, the Finland frontier passed a little west of the Kemi River in a northerly direction to Porkavara, and from there east to the frontier of Russia. Otherwise, the frontier between Finland, on one side, and Svealand and Norrland, on the other side, was the Gulf of Bothnia. Concerning the Aland Islands, we have the official map of the Swedish Bureau of Land Surveyors fran 1714, where the line of demarcation is drawn from the mouth of the

Kemi River passing south through the partition of the waters along the Gulf of Bothnia to the Gulf of Finland (Wattuskiftet), and containing this information in old Swedish: Har Grantzar Finnland (Here borders Finland), evidently tending to show at the same time that anything west of this line was not included in the territory generally called Finland. This does not necessarily mean that the Aland Islands belonged to any other of the principal parts of Sweden, but rather that those islands, themselves, formed a distinct territory (landskap), and even periodically a distinct government (lan), of the Kingdom of Sweden.

POPULATION SWEDISH.

As the archaeological results prove, Aland was inhabited by a Swedish population from time immemorial and even in prehistoric times. It has received the Christian religion and all its culture from Sweden. The population of Aland has always been true to the motherland, even in the trying times when Finland seemed willing to surrender to the Russian usurper.

HISTORICAL FACTS.

By a secret treaty made in Tilsit, Czar Alexander of Russia had undertaken to persuade the King of Sweden, Gustavus (IV) Adolphus, to close the Swedish ports to English men-of-war and commercial vessels. This, however, the Swedish monarch refused to agree to.

Emperor Napoleon for this and other reasons, at the Conference of Erfurt in 1808, promised his support to the acquisition of Finland by the Russian Czar. In the beginning and even after the Russian Army had met with considerable success, Czar Alexander did not dream of other frontiers concerning Sweden than the Tornea River in the north and, for the balance, the Gulf of Bothnia, which assertion is clearly proven by the rescript to his agent in Sweden, former Ambassador D. Alopeous, under the date of February 15, 1809. Thus, if the new Swedish Government, after the fall of Gustavus Adolphus in March, 1809, had consented to enter into negotiations for peace, there would never have been any question of including Aland in the territory to be ceded to Russia. But the Swedish Government hesitated, and in the triple attack which was then started by Russia in order to hasten the conclusion of peace, even the island of Aland was invaded and occupied by the Russians, and that territory thereafter claimed by the right of conquest.

ALAND SEIZED BY RUSSIA.

The Swedish negotiators of peace tried, however, to save as much as possible of Swedish territory, and in conceding Finland to the usurper they claimed the maintenance of the old frontiers, viz, Kemi River in the north and the Gulf of Bothnia to the west. Concerning Aland, the Government instructed the Swedish plenipotentiary, Baron Stedingk, to insist upon the frontier line thus described: ". . . par une ligne ideale tiree tout le long du Golfe de Bothnie en suivant la ligne de partage des eaux (wattuskiftet) jusqu'au commencement du Golfe de Finlande, de telle sorte qu'Aland reste du cote droit en partant du nord, et demeura par consequent suedois comme cela a ete le cas de temps immemorial."

But the Russian plenipotentiaries would not recede from their demands, giving, however, no other motives or using no other arguments than the humiliation resulting to Russia if she must restore what had been conquered by the fortune of the arms. And the same argumentation was used to oppose the counter-proposition from the Swedish side, that the Russian Government should give assurances of not fortifying Aland, if Sweden consented to the cession of the islands.

In documents concerning the peace negotiations, it is constantly referred to "la Finlande avec les Iles d'Aland," and in the treaty of peace it is stated that the King of Sweden ceded to the Czar of Russia all his rights to certain governments belonging to the Kingdom, textually: "the governments enumerated hereafter, which during the war have been conquered by the arms of His Imperial Majesty, viz.: the Governments of Kymenegard, Nyland, and Tavastehus, Abo and Bjorneborg with the Aland Islands, Savolax and Carelen, Wasa and Uleaborg, and a part of Westerbotten unto Tornea River."

Exactly, as in the constitution of 1634, the different governments belonging to the Crown of Sweden are here considered equal between themselves, Westerbotten like the others, and the others like Westerbotten, and the Aland Islands are distinctly enumerated.

Finally, in an autographic letter from Czar Alexander to the Emperor of the French, of October 30, 1809, it is said: "La Suede cede a la Russie la Finlande avec les l'les d'Aland."

As it has already been stated, the promise of Napoleon's support did not include the cession of the Aland Islands, but Alexander could risk a more liberal interpretation as he well knew that the Emperor needed the assurance of his neutrality in the war just then started against Austria.

When during the course of the war, on the order of the Russian usurper, a Finnish diet assembled at Borga, March 1808, to render homage to the Emperor of Russia as the sovereign of Finland, Aland was not represented. And when the governor of Abo, Knut von Troil, sent out an official call for certain contributions in food, etc., for the use of the Russian Army, the Aland people, assembled to receive the message of the governor, answered "that the peasants of the island had no more reserves of food of various kinds than they needed for themselves and their households, but that they would try to divide what they had if it were needed for the Swedish Army. However, to the Russian Army, the enemies of Sweden, they considered it culpable and, still more, unnecessary and improper to give what was demanded. They also desired to know wherefrom this order of deliveries had come and if it had been given out with the sanction of his royal majesty."

THE ALANDERS ROSE UP AGAINST RUSSIA.

At the first invasion of Aland in 1808, by Russian troops, the Alanders rose to a man and drove the invaders out. But when the following year an overwhelming Russian force invaded the island, they were not able to resist successfully, but to the very last they protested against the secession from Sweden.

In the organization of his new possessions, ceded by Sweden, the Russian Czar for reasons of administrative order included the islands of Aland in the Finnish Government. No other disposition would seem to have been convenient. But this fact does not make Aland an integral part of Finland. The Russian Czar could have ceded Aland back to the King of Sweden or disposed of the islands in any other way to suit himself, without the consent of or even without consulting his Finnish subjects.

Shortly after the conquest of Aland, the Russians built there the casemated fort Bomarsund. It was bombarded during the Crimean war by an English fleet with a French division of soldiers on board. The 8th of August, 1854, the troops landed in three places and invested the fort. On the 16th of the same month the commander of the fort, Gen. Bodisco, surrendered with 2,000 men. The conquerors demolished the fort. By the treaty of Paris, 1856, Russia agreed not to have any fortifications or military establishments on the Aland Island. But this part of the treaty was agreed to between France, England, and Russia. Sweden was not called upon to sign this treaty, not having been a party to the Crimean War.

ALAND FORTIFIED.

The distrust of Russia among the Swedish people is a well known fact, which it is not necessary here to recall or to explain in detail. Numerous incidents, particularly the Russification of Finland and the building of railroad lines throughout the country for purely strategical purposes, served to increase in Sweden the fear of new plans of conquest on the part of the mighty eastern neighbor.

Shortly after the beginning of the late war, it became known in Sweden that the Russian Government had established military posts and had started to build fortifications on the Aland Island, in clear contravention to the articles of the Peace of Paris. But Russia was now an ally of the other two high contracting parties: viz, England and France, and diplomatic inquiries by the Swedish Government brought the answer that these military establishments and even the fortifications were all of a temporary nature, in no way aimed at Sweden, and that they would be withdrawn or demolished as soon as they had served their purpose, which was to guard against German attacks. Interpellations in the Swedish parliament brought only general statements from the Government, which, however, seemed to satisfy the great majority of the members of the two Chambers, information being given out in confidence that

the Government had done everything in its power to safeguard Swedish interests, but that it was greatly embarrassed on account of the peculiar political situation, as referred to above. Thereupon a most solemn assurance was given the Government by the leaders of the different political groups and parties in the Riksdag, that the representatives of the Swedish people unanimously supported the policy of neutrality and of national independence, as declared by the Government from the beginning of the war.

ALAND IN DANGER.

Then came the revolution and the overthrowing of the autocratic government in Russia, followed by the secession of Finland and other parts of the Russian Empire. As one of the consequences of the chaotic situation, the Aland people were greatly in fear of violence from the Russian garrison. In February, 1918, they sent delegates to Stckholm to implore the protection of the Swedish Government. The situation had been more complicated through the arrival of Finnish soldiers, both of the White and Red Guards, and only through the wise and peaceful interference by the Swedish Government a general massacre of the population and the widespread destruction of property was prevented. The Russian garrison and the Finnish military forces finally agreed to leave the island with the help of Swedish vessels, and the people of Aland were again able to return to their peaceful occupations without fear of being molested through the strife between Russians and Finns or between different parties in Finland.

NO PART IN FIGHTING.

The Alanders took no part in the fight between the White and the Red forces of Finland, which terminated in the victory of the former, with the assistance of the German soldiers. The desire to again become Swedes, in fact as well as they have always been in heart, was expressed by the entire major population of the island, amounting to 7,135 men and women, through a petition to the King of Sweden and the Swedish people at the end of the year 1917, among other reasons, stating that "before long the fate of oppressed peoples is going to be decided, and the inhabitants of Aland consider that the time has come for them to express their unalterable will to see the ancient county of Aland again reunited to the Kingdom of Sweden."

The King received the delegates bringing the petition with his customary kindness and courtesy and assured them of his own and the Swedish people's wish to again count the Swedes of Aland among the Swedish citizens, but reminded them of the necessity for a friendly understanding with the Government and the people of the new State of Finland, whose independence it had been his great pleasure to bring about and to recognize.

SWEDEN IS NEUTRAL.

Through the whole duration of the war, the Swedish Government has scrupulously maintained the neutrality it declared at the beginning. Strictly adhering to the same principle, it had to decline taking part in the struggle between the "white" and the "red" forces in Finland. The wisdom of this policy was, moreover, provided by the succeeding events. Had Sweden lent her hand to the party in Finland, which finally, with the help of the German Government, became victorious, there can be no doubt any more that Sweden would have been forced into the war and, necessarily, on the side of Germany, as a consequence of the participation, in concert, of the two nations in the establishing of a new government in Finland. No less correct has been the conduct of the Swedish Government toward the new Government of Finland. The unanimous opinion of the Swedish people is that Aland belongs to Sweden, and the desire to see the reunion take place is hardly less unanimous. Every Swede, we might say, is also convinced that the possession of Aland is more vital than ever to the future security and independence of Sweden. But no advantage has been taken of the fall of the Russian Empire no more than of the unanimously expressed desire of the Alanders to be again incorporated into the Kingdom of Sweden.

WANTS DOUBLE VOTE.

With all courtesy, the new Finnish Government has been approached in order to bring about a friendly agreement, whereby the will of the Aland people could be satisfied. Without claiming to give a complete account, in chronological order, of these negotiations, it may be stated here, with absolute knowledge of the facts, that the Swedish Government has proposed to leave to the people of the islands to express their preference through a genaral vote, and even to make a final decision depend on a double voting, the first vote to be taken now and the second after a couple of years, thereby giving the people of the islands ample time for reflection, and deferring the final settlement to an epoch when the disturbances and the passions of the war may reasonably be considered as past. The chief aim of the Swedish Government has been to reach a mutual agreement between the three parties interested—Finland, Sweden and Aland—whereby an accomplished fact could be presented to the peace conference and there simply registered as such.

But nothing seems to have been accomplished thus far. The Finnish Government has given but evasive answers. There have been suggestions of compensation in land, which, of course, the Swedish Government most categorically has declined to entertain. At the time of the visit to Stockholm in February last of Gen. Mannerheim, the Finnish administrator ("Riksföreståndare"), it was thought that at least a preliminary agreement had been reached, through his conferences with the King and the chief government officers. But further developments showed that the Finnish Government was still unwilling to give a definite answer or enter into a formal conference.

A DELEGATION TO THE PEACE CONFERENCE.

Meanwhile, a delegation of three citizens of Aland, Editor Johannes Sundblom and two farmers, Johannes Eriksson and Johan Jansson, were delegated by their countrymen to take the claim of the Alanders to the peace conference. Their visit to Paris took place in February this year. They were received by representatives of all the five great powers; by Mr. White (America), Balfour (England), Pichon (France), Orlando (Italy), Makino and Chinda (Japan). All of these statesmen seemed to be very much interested in the Aland question and some of them showed a surprising familiarity with the subject. Without exception they listened to the delegates' statements with the kindest attention. The visit was also favorably mentioned by the French papers.

HELD TO BE TRAITORS.

This independent proceeding of the Aland people seems to have caused great excitement in Finland, particularly among the Finninsh population. Shortly after their return from Paris, the three delegates were summoned to appear before an agent of the Finnish Government, who subjected them to a very severe cross-examination, at the end of which they were enjoined to hold themselves at the disposal of the Government and not to leave the island without the permission of the authorities. It was even stated in the Finnish papers that the delegates were going to be tried for treason. But, according to more recent news, the excitement seems to have subsided.

CONCLUSION.

The consent of the peace conference to the reunion of Aland with Sweden seems to be justified on the following grounds:

1. Aland is an old Swedish territory. The inhabitants are all Swedes, by origin, language, sentiment, and customs. Their commercial intercourse is principally with Sweden.

2. The Alanders have never consented to their secession from Sweden.

3. By the principle of self-determination for all nations, big or small, the Alanders have a right to make their own choice.

Indeed, they had as much right as the Finlanders to cut loose from Russia. The people of Finland, as they claimed independence on the ground of all peoples' right to self-determination, and finally succeeded in getting their independence recognized, can not equitably refuse to concede the same rights to the Alanders. Instead of claiming independence as a small State, the Alanders, however, petition Sweden to receive them as citizens and they are now seeking the sanction of the peace conference.

The importance for Sweden to get into possession of the Aland Islands is well recognized. The island of Aland is the key to Stockholm and to the whole of Sweden. It was pointed out already at the peace negotiations more than a hundred years ago, that "the power holding Aland could thereby enter into the heart of Sweden and keep her on her guard day and night;" also that Aland was dominating the Gulf of Bothnia, whereby the security of free navigation in the gulf was dependent thereof.

These considerations must per force appear stronger to-day than ever before in view of the capacity of guns and of other tools and instruments of destruction in modern warfare.

The Government of Sweden and the Swedish people have given to the whole world the assurance of their unalterable will to maintain peace and friendly relations with all other nations, but at the same time of an equally strong decision to defend their own country, their national honor and their independence, dating back to times immemorial. The safety of Sweden greatly depends on the possession of Aland. Sweden's possession of Aland would in a great measure help to make the whole Baltic a free sea, which no doubt will be one of the aims of the present world conference.

The claim of Finland to the Aland Islands rests on no other foundation in fact than their joint position as "exparts" of the Russian Empire. From a nationalistic point of view, the claim is untenable by the fact that the population of Finland consists of more than 3,000,000 Finns and only about 400.000 people of Swedish descent. The political considerations which may come up before the peace conference at the time when the conference will be ready to decide the fate of Finland are hard to guess. But the claim of the Alanders seems so natural, so reasonable, and so fully in accord with the famous fourteen points of President Wilson, that a decision in their case could be reached without connection with any other nationalistic problems.

Mr. JOHNSON. It appears, however, from information through the newspapers, that the Baltic Commission of the peace conference has had the Aland question investigated and has discussed it, in conclusion giving the opinion that a final settlement could not be reached at present, owing to the uncertain or rather chaotic conditions prevailing in Russia, but that a temporary solution might be arrived at through an agreement between the Swedish Government and the Government of Finland.

As far as I have been able to ascertain, the Baltic Commission does not give any opinion regarding the main point of the Aland question, viz, the rights of the inhabitants of the Aland Islands to determine, themselves, how they should be governed. Very briefly stated, the Alanders claim their independence and their right of reunion with Sweden on the following grounds:

Aland is an old Swedish territory. The inhabitants are all Swedes, by origin, language, sentiment, and customs. Their commercial intercourse is almost exclusively with Sweden and has so remained even during the last 100 years, when the Aland Islands were a part of the Russian Empire.

The people of Aland have never consented to their secession from Sweden, to which they were forced in 1809.

With other former provinces of Sweden's, collectively known as Finland and lying east of the Gulf of Bothnia, Aland seceded from Russia shortly after the overthrow of the Czar Government.

The Alandese took no part in the fight between the White and the Red forces of Finland, which ended with the victory of the former. The desire to again become Swedes, in fact, as well as they have always been in heart, was expressed by the entire major population of Aland through a petition to the King of Sweden and the Swedish people at the end of the year 1917, as extensively described in the pamphlet referred to.

The assertion being made in Finnish papers that the above appeal addressed by the people of Aland to the King and people of Sweden (December, 1917), was caused by the oppression and cruelties of the Russian military invasion of the islands at that time, a new expression by popular vote was decided upon and took place during the month of June of the current year. The result was that 9,735 men and women of major age signed a petition giving full power to the Aland popular representation (landsting) to take all measures necessary for the confirmation of the stand already taken by the people, and alone to represent the people of Aland and to speak for them.

Of the major population of Aland—about 11,000 men and women, altogether—10,196 took part in the vote. Only 461 voted against Aland's reunion with Sweden. The other 9,735 who voted in favor of the reunion amount to 96.3 per cent of the voters. The balance, 3.7 per cent, consists mainly of persons having moved in from Finland and of the Finnish Government officers.

Thus a renewed testimony of the well-nigh unanimous desire of the inhabitants of the Aland Islands to again become members of the Kingdom of Sweden has been given since the question of the future status of the islands was brought up before the peace conference.

Senator BRANDEGEE. Will you be kind enough to allow me to interrupt you there for a minute?

Mr. JOHNSON. Yes.

Senator BRANDEGEE. Before the war with Germany, who owned the island of Aland?

Mr. JOHNSON. The Czar of Russia.

Senator NEW. You say the Czar of Russia?

Mr. JOHNSON. Yes. The Province of Finland and the island of Aland were ceded to the Russian Czar in 1809. The Province formed the grand duchy of Finland, but the island of Aland was a separate part of Swedish territory and did not belong to Finland or to the grand duchy at all.

Senator POMERENE. Are you a native of the island of Aland?

Mr. JOHNSON. No; I am a native of Stockholm, just across the street, you may say, from the island of Aland.

Senator POMERENE. Are you a naturalized American?

Mr. JOHNSON. Yes; I have been naturalized for over 30 years.

Senator POMERENE. Have you been in communication with the inhabitants of this island on this subject?

Mr. JOHNSON. Yes. I have been in communication with them through correspondence, and through people coming from there representing them and asking me to help them along.

Senator POMERENE. Did the people of that island take any part in the war?

Mr. JOHNSON. They took no part whatever in the war. The people of Finland took some part in the war, but the Alanders never took any part in the war. Even in the internal strife in Finland they kept aloof.

Senator KNOX. Has any disposition been made of this island by this treaty?

Mr. JOHNSON. It does not form a part of the treaty that is now before the Senate. It has just been handled by the Baltic Commis-

sion of the peace conference. After the treaty with Germany it came before the peace conference proper. Just recently they have discussed the question, and the representatives of the Swedes and the Finlanders were heard; but my contention, and what I think is the main point in this controversy, is the demand or request of the people of the island of Aland to determine their own fate.

Permit me to say in conclusion that even in the interest of future peace in the Baltic it seems evident that the possession of the Aland Islands by a more powerful, albeit peace-loving, country, such as Sweden, would be preferable to their possession by Finland, whose history as an independent State is an unwritten page.

But the political side of the question is no concern of mine. As an American citizen, I am interested in seeing American principles of fairness prevail over the whole world. To me the desire of the Aland people to join their own nationality by a reunion with Sweden seems so much more justified, as the geographical position of the country makes Aland a physical entity. Thus no objection could reasonably be raised against the desire of the population to determine their own fate.

Senator KNOX. How long had Russia sovereignty over this group of islands?

Mr. JOHNSON. Russia had possessed Finland and the Aland Islands from 1809, when they were ceded to Russia after the Russian-Swedish war by the treaty of Frederickshaven.

Senator KNOX. And prior to 1809?

Mr. JOHNSON. Before that they belonged to Sweden. Aland and Finland were settled from Sweden. The islands belonged to Sweden from prehistoric times, from time immemorial. The Finland Provinces belonged to Sweden for 700 years before they were ceded to Russia.

Senator KNOX. Did Sweden lose this group of islands at the same time that she lost Finland?

Mr. JOHNSON. Yes. All that is extensively described in the pamphlet which I leave with you. Sweden tried very hard to keep the Aland Islands, but Russia wanted them, and claimed them by right of conquest, because they had overrun them. To show the territorial importance of the islands, it is a question of life and death to Sweden to possess them. They absolutely dominate Stockholm, far more so now, with the powerful engines of war that have been discovered. But I am not talking for Sweden or any political party.

The CHAIRMAN. What is the total population of the islands?

Mr. JOHNSON. Twenty-two thousand and some hundreds.

The CHAIRMAN. They are all Swedes?

Mr. JOHNSON. Yes; there are not 2 per cent that do not talk the Swedish language.

Senator MOSES. Does Sweden claim these islands are necessary for her self-defense?

Mr. JOHNSON. I do not know that they made that claim before the peace conference, but they have always done so, and that is an admitted fact. Under the treaty of Frederickshaven Sweden tried to get an engagement or a promise from Russia not to fortify those islands, but Russia was so strong and Sweden so weak at that time that the request was paid no attention to.

Senator KNOX. It seems to me that it is obvious on the face of it that they do dominate Stockholm, because they are only about 25 miles away from Stockholm, and with the modern engines of war like these long-range guns, those islands fortified would have Stockholm at their mercy.

Senator MOSES. I can understand that perfectly from the map, but what I was trying to get at is why the claim of necessity of those islands for self-defense of Sweden, when the league of nations is going to abolish war.

Mr. JOHNSON. All those questions will be eliminated, I suppose, as soon as the league of nations is an actuality, but that claim was raised by Sweden right after the islands were ceded by Sweden to Russia. They were fortified by Russia. In 1856 when the Crimean war took place, the English and French fleet combined to destroy the fortifications of Aland, and then in the treaty of Paris in the next year it was stipulated that those islands should not be fortified any more. During this war Russia permitted herself to start fortifications on the islands, and when Sweden made protest against it they claimed it was in fear of a German attack.

Senator MOSES. What I was trying to get at was whether Sweden would rather have the Aland Islands or the league of nations as a means of defense.

Mr. JOHNSON. I can not talk for Sweden. I think if they got the Aland Islands to begin with, they would be satisfied, and then they would make a request to be admitted to the league of nations afterwards. It may be, I do not know.

Senator NEW. Mr. Johnson, I would like to have you clear up one point that is not clear in my mind. You spoke of Sweden losing Finland and the Aland Islands at the same time.

Mr. JOHNSON. Yes.

Senator NEW. That was in 1809?

Mr. JOHNSON. Yes.

Senator NEW. You said Finland was taken by Russia?

Mr. JOHNSON. Yes.

Senator NEW. And the Aland Islands were given to the Czar. Do you mean that there is a difference in the condition in which the two were lost?

Mr. JOHNSON. I beg your pardon, but they were both ceded to the Czar of Russia. The wording of the treaty says that the King of Sweden cedes to the Czar of Russia, and my contention is that the Czar of Russia, if he was alive, could cede the Aland Islands to Sweden without the consent of Finland.

Senator NEW. That is all right, but from the way in which you first stated it I thought there might have been a difference in the condition under which the two were ceded.

Mr. JOHNSON. No.

THE CASE FOR CZECHOSLOVAKIA.

STATEMENT OF MR. EDWARD VACZY.

Mr. VACZY. Mr. Chairman, I am a resident of Brooklyn. Mr. Van Svarc, of Cleveland, Ohio, an American by birth, of Czech descent. a lawyer by profession, Mr. O. D. Koreff, of Pittsburgh, an American

citizen of Czech birth, a newspaper editor, and myself, also an American citizen of Slovak birth, represent the Slovak people and the Bohemian National Alliance of America, and its branch organizations, which organizations exist in nearly one-half of the States of the Union. I want to state at this time that our committee has been somewhat handicapped. It was very late last evening when we received the stenographic reports of the meeting yesterday morning, and we have not been able to prepare our briefs in a manner that would do justice to this case.

The CHAIRMAN. The committee will give you time to prepare your brief, if you wish to file anything after the hearing.

Mr. VACZY. I appreciate that very much. I trust you will, therefore, appreciate our position in this matter. At this time I wish to thank you most kindly in extending to us the opportunity to present the case of Czechoslovakia insofar as it relates to the Magyar people. Our purpose in view in appearing before you is to cooperate with your committee and assist you in reaching a fair settlement in the so-called matter entitled, "The Case of Hungary," and further to refute and correct the misleading statements propounded by the representatives of the Magyar people who appeared yesterday before your honorable body.

I shall be very brief with the Czecho-Slovaks and Magyar situation and discuss the matter as it exists in the United States to-day, and leave the economic, geographical and historical questions affecting the European situation to my colleagues. The Czecho-Slovaks began to emigrate to the United States before the Civil War. Many of them fought bravely and heroically in this war. The Czecho-Slovaks began to come to our shores in large numbers, principally to escape the hardships and cruelties perpetrated upon them by the Magyar imperialistic Government, and further to escape the military service, realizing the humiliation and the insults and treatments that would be accorded to them by the Magyar militaristic lords. As the years rolled on their immigration began to increase to this land until to-day the Czecho-Slovak population in the United States is approximately 1,600,000, or five times that of the Magyar population in this country.

The Czecho-Slovaks have principally settled in the States of New York, New Jersey, Connecticut, Illinois, Nebraska, Iowa, West Virginia, Texas, Massachusetts, Rhode Island, Pennsylvania, Maryland, Wisconsin, Indiana, and Minnesota. In many of the cities in these States they have built magnificent churches and schools, and in fact most of these people, I may say, own their homes. It is their absolute intention to remain in this country. They have became a part of our Government. These people have expended and invested millions of dollars in building operations and have materially assisted in developing our country in this one respect.

There has been an erroneous impression received by the average American that the Czecho-Slovaks are only capable of performing manual labor. This is incorrect. Thousands of these men are expert artisans, many of them are successful business and professional men, while other have established reputations as artists and musicians. The Czecho-Slovaks have developed a deep interest in our political life and have made rapid strides in that direction. Two members of the present House of Congress are of Czecho-Slovak

birth. Others occupy elective and appointive political positions, while others hold civil-service positions in nearly every arm of our service, Federal, State, and municipal.

I might state this, that the Czecho-Slovaks of this country have proven themselves to be an extraordinarily patriotic and independent, liberty-loving people. They have organized a Czecho-Slovak army in the United States. They were able to organize a force of upwards of 3,500 Czecho-Slovaks, men who were not citizens of the United States and who were under no obligations to serve our country, but who were exceedingly glad and desirous of going to the front and fighting for our country and fighting for the cause of the Allies.

There was only one way in which those men could engage in battle, and that was by enlisting in the Czecho-Slovak Army. I might say that while yesterday the Magyar representatives appeared here and asked you for justice for Hungary, or for the Magyars, as I maintain, there is no such place as Hungary. Hungary to-day has been equitably divided. There is only a place there, Magyarland, and not a united Hungary. Twenty-five hundred Czecho-Slovak soldiers were marching up Fifth Avenue while the Magyar representatives here were asking for sympathy and justice to their country—these 2,500 Czecho-Slovak soldiers live in the United States; they are not citizens—after coming from Siberia. Many of them have been wounded and crippled. They left their wives, their parents, their dependents, while they were in the Czecho-Slovak Army. I am sure that you must admire their heroic position in this matter. But while the Czecho-Slovaks in this country have been doing everything in their power to assist the United States to win this war—and I say they materially assisted the United States in winning this war—what were the Hungarians doing—or the Magyar people, to be correct? What were they doing? You realize and you know the extensive propaganda that the Magyar agents in this country were carrying on prior to our declaration of war against the Central Powers. These Magyar agents were scheming and plotting to blow up munitions factories, sink ships, if you please, do anything in order to destroy our property, in other words to cause disorder, to cause strikes, to interrupt our business pursuits in this country until the matter became so serious, if you recall, that an investigation was had, and a convincing report was drawn up of the operation of the Magyar agents in this country, and of the harm that they were doing, so that Dr. Dumba as a result of that investigation was asked to be recalled, which he was. We bid that gentleman a final farewell, a representative of a so-called highly cultured, humane people.

At this very time, Mr. Chairman and Senators, on August 10 a whole page advertisement appeared in four New York newspapers entitled "To the American Nation. Real facts about Hungary." It is signed "American committee for the relief of Hungary, Arnold Somlyo, corresponding secretary; Bertalan Barna, chairman." They conclude by stating "We respectfully appeal, therefore, to the President of the United States, to the United States Senate, to Congress, and to the American Nation for justice to Hungary."

I have read this article, and I am sorry to state that there seems to be no conscience as to the extent to which these Magyar

propagandists will go to mislead the American public. There are three or four prominent facts to which I could draw your attention from this advertisement, which solely affect the Slovak people, while it deals also with Serbia and Roumania.

The CHAIRMAN. Let me ask one question in order to make it clear. When you speak of Czecho-Slovak, you mean Bohemian, Moravian, and Slovak.

Mr. VACZY. Yes I do. We are only interested as far as this advertisement affects the Slovaks. The other nationalities quoted here can very well take care of themselves.

At a meeting in New York I was elected by a branch of the Slovak League——

Senator POMERENE (interposing). Before you come to that, you said that there were three or four facts or statements that were gross misrepresentations. That is the substance of what you said.

Mr. VACZY. Yes.

Senator POMERENE. What are they?

Mr. VACZY. Well, I can answer that argument, but I will leave that to my colleague, Mr. Svarc, who will explain that matter much better than I can. He has been in Czechoslovakia and has recently returned, and understands conditions there and understands conditions here.

I was asked to answer this advertisement. I then proceeded to the New York Sunday World office and inquired as to what it would cost to publish a similar full-page advertisement. I was surprised when I was told that it would cost $1,344 for one insertion. It seems that it cost as much money for the page advertisement in the New York Herald, the New York American, and the New York Times. So in round figures it cost about $6,500 for those four advertisements in the New York newspapers.

Now the question is, gentlemen, I am wondering where this large sum of money is coming from. If these people can afford to spend $6,500 for advertising purposes, it is a very serious problem in my estimation as to where the money is coming from. Is it possible, gentlemen, that perhaps the purse strings of Bela Kuhn have been loosened and some of that money imported into this country? Or is it possible that the Magyar aristocrats have opened their pocketbooks and are expending some money for these expensive advertisements?

This advertisement, to my mind, has been solely published for the purpose of misleading and poisoning the minds of the American public; and, gentlemen, further for the reason that they are endeavoring to mold public opinion, and I think that they want to use that public opinion as a sort of a hammer upon the Senate of the United States.

There are a great many points which I could touch upon, so far as the Slovak situation is concerned. I know that your time is somewhat limited. You can put it to great advantage in other important matters that are before you, and I will conclude by saying that the Magyars have been before the bar of justice. There is no reason why sentence should not be passed, and they are awaiting sentence, and I will say that may the Lord have mercy on their souls.

Further, more than that, I want to serve notice upon the representatives of the Magyar people in this country that the Czecho-Slovaks in this country will do everything within their power to prosecute this malicious and mischievous propaganda until it is forever banished from the shores of the United States, and we will back up the statement that we make. I thank you very much.

The CHAIRMAN. Mr. Svarc, of Cleveland, Ohio.

STATEMENT OF MR. VEN SVARC, OF CLEVELAND, OHIO.

Mr. SVARC. Mr. Chairman and gentlemen of the committee: Representing the Slavic League of America and the Bohemian National Alliance, two organizations in the United States which were organized for the purpose of prosecuting the war to a successful issue, so that the people from whom we have sprung abroad might on the other side come into their own, might again be free and enjoy the blessings of liberty, I thank you for this privilege of addressing you on this occasion, and I know that our people, not only in the United States but our long-suffering people abroad, appreciate the fact that we can raise our voices before you on behalf of their liberty.

We did not think a few days ago that it would be necessary for us to appear before you. We had an idea that in the peace conference, owing to the victory which the allied armies, together with the Army of the United States, have won abroad, the political questions would be settled over on the other side, and, above all, that our Magyar brethren would finally see the light, and in the light of their previous mistakes, the mistakes which are due to that outlook upon political life which goes back to feudal times, that they would be willing to get back into the channels of the modern world and become modernized. But it seems that they have not only failed to grasp the lesson of the war on the other side but they on this side who live under the Stars and Stripes have nevertheless failed to be imbued with the idea for which America stands, the principle which she represents, and the stern logic which she applies in these progressive times for the betterment of the world, for the increase of justice in the world, and for the upbuilding of fraternity among nations.

And that is why we are here; not because we wanted to come, but because the occasion has compelled us to come in order that we may raise our voice in behalf of the truth, and endeavor to efface the various distortions of history, the various distortions of truth, and that subtle, specious reasoning which has been introduced here in this committee room by our Magyar friends in order that they might throw sand into your eyes and in order that they might deceive the American public at large in regard to those issues which are at stake on the other side and which are at stake as well in this country of ours.

The political questions arising out of the situation in Hungary are quite easy to determine if we go back to a few basic definitions. What is or what was this country that was known as Hungary? There have been certain unscrupulous men not only in these United States but elsewhere in the world who have traded wonderfully upon this word "Hungary," and who, because certain people came from this geographical designation known as Hungary, these unscrupulous men had thought to claim them in that generic term "Hungarians."

What is a Hungarian, or what was a Hungarian? A person who came from the geographical area known as Hungary. He was either a Magyar, he was either a Slav—that is, a Slovak, Serb, or a Croat—or he was a Roumanian. In some instances he was a German, who came from the German settlement in Slovakia or in Transylvania. There never was such a thing as a homogeneous Hungary inhabited by a homogeneous nation. These various nations have inhabited Hungary from times immemorial, and the Magyars were the last people to enter Hungary. These peoples formed one polyglot State. This polyglot State until almost the close of the eighteenth century, because of these various nations which spoke different languages, employed the Latin language in its transactions of government, the Latin language was used in its parliament, and the Latin language was used in the law courts. This condition continued down to the close of the eighteenth century, when under Joseph the Second, the Emperor of Austria-Hungary, the great movement for Germanizing by force all the peoples of Austria-Hungary was endeavored to be put into effect.

Under the stress of the Germanizing movement, the Magyar people began to receive the idea that they ought, in that geographic part known as Hungary, or the Kingdom of St. Stephen, to seek to Magyarize, and immediately after the French Revolution, when the new ideas began to pervade Europe, and the question of nationality began to assert itself, from that day begins the idea of a Magyar imperialism, and from that day, accentuated later on by the effort of Louis Kossuth, which effort has been misrepresented in these United States, and which modern scholarship has sought to set right—American scholarship among other scholarships—the Magyars sought to efface all the other nations which had been on very friendly terms in centuries past, inhabiting a common country, and sought to Magyarize these other nations, a terrible task in itself and a most brutal one, when we stop to consider that if the truth were known, that is if Magyar statistics did not lie, being made by the government, probably 8,000,000 people were seeking to rob 12,000,000 people of their language, of their educational systems, of their part of the government, and were simply trying to efface every vestige of their national tradition and impose upon them a false idea that they were Magyars.

This situation continued down to 1867 with greater or less success, because up to that time the Magyars were immediately subject to the government of Vienna. In 1867 the Hapsburg ruler, Francis Joseph, saw that the Magyars were so obstreperous that it was time that he relented, that he should permit them to have their say, and so the old Empire of Austria-Hungary was divided into two parts, one part ruled from Vienna and the other part ruled from Budapest. The famous Saxon stateman, Bach, who got up this wonderful plan of dualism, upon the occasion of its being put into practice made this wonderfully humame statement. Turning to the German ruler from Vienna, he said "You will take care of your hordes"—meaning the Slovaks—"and of course,"—turning to the Magyar ruler, "you will take care of your hordes from Budapest." And they have been quite true to that famous injunction. They have treated these subject peoples in all times as hordes.

It was quite amusing yesterday to hear the justification for dualism as it was explained here, that the Magyars under the situation did what they thought was best. Yes, because they knew that they would have power in their hands to proceed to efface these nations that inhabit the common country, and that they would make one Magyar Empire out of this country, which was never in a position to assume the Magyar language, a non-Aryan language, which is strange to their ears, which is difficult for them to learn, which has absolutely no significance in education or culture because it is practically limited to a nation of 8,000,000 people in the heart of Europe who are foreigners there.

Now, if we once set in our minds this picture of the former Hungary, namely, a country or area which is inhabited by four great nations, nations which have an independent history, which have an independent culture entirely distinct from anything that is Magyar. then we can readily see the false reasoning which has been presented there and through which false reasoning you have been asked to do your part in preserving the integrity of this conglomeration called Hungary. There is no such thing as the integrity of Hungary. There is such a thing as the integrity of the Magyar nation, and nobody is seeking to deprive the Magyar nation of its integrity. But the whole civilized world is raising its voice against permitting 8,000,000 Magyars comprising the Magyar nation to impose their brutal system of government, a system which means denationalization, carried on in the most brutal fashion. That system, of course, was overthrown by this war and the civilized nations of the world are bound to see that it shall not be resurrected.

Now, in this connection I think it would be proper to refer to the advertisement appearing in the New York World under date of Sunday, August 10, 1919, under caption, "To the American Nation. Real facts about Hungary," and signed by the "American committee for the relief of Hungary." It seems that the title of this American committee for the relief of Hungary is a misnomer.

I quote from this article:

> The American people had so little opportunity to hear Hungary's side of the story that this information should be welcomed by every fair-minded citizen of this country.

I wish to add to my previous remarks in regard to the definition of "Hungary," the way this term is abused, and refer to this abuse through this entire article, showing the way in which the American public is deceived.

In the Magyar language there is no term at all for an equivalent of the term "Hungary." In other words, they call the country Magyar-Orszag, meaning the country of the Magyars, and under that term they include Slovakia, they include Transylvania, that part inhabited by the Roumanians, and they include the southern parts—Croatia, Slovania, and so forth.

In other words, in the Magyar language they do not recognize at all that ancient term "Hungary," which means simply a geographical area ruled by a common sovereign; and therefore, when they speak of Hungarians they usually fail to explain that they mean anybody who comes out of Hungary, but they try to impress you with

the fact that "Magyar" is synonymous with "Hungary," whereas the fact is that it is not synonymous at all. It means that the Magyars form but one portion of Hungary, that they number about 8,000,000 out of the 20,000,000 inhabitants of the whole country, that their interests are entirely hostile to the interests of the rest of the population, because this population demands self-determination, and they demand that they work out their own destiny. They have been doing this in the United States continuously by talking about Hungarians.

Senator POMERENE. If it will not interrupt you, how generally are these 8,000,000 Magyars distributed over what we understand to be Hungary?

Mr. SVARC. I shall explain that. In this very article appearing on August 10 in the New York World is the following statement, and I quote it at this point in order that I may use their own figures:

> Life and time mingled the various races in Hungary incessantly. Other minglings were accentuated during the eighteenth century, and as one finds them now side by side, Protestant, Catholic, Jew, and Orthodox, similarly there are in Hungary in the same region members of five or six nationalities. If we except central Hungary, which is wholly Magyar, 85 per cent, and northern Hungary, which is indeed almost entirely Slovak, 76 per cent, the races are so intermingled that you can not cut out an unbroken territory from any of them. Every such attempt creates new mixed territories with no clear racial majority in them.

I ask you gentlemen to consider the sincerity of a statement of this type, which admits that in the Danubian plain, which is practically the only part that is essential Magyar, where they admit that 85 per cent of the people are Magyars, even in this vast Danubian plain 15 per cent of the population belong to other races and nationalities.

Senator POMERENE. Approximately what portion of the territory is that?

Mr. SVARC. I will show you the map which they presented here yesterday It is practically this part here——

Senator KNOX. About 20 per cent of the whole?

Mr. SVARC. Which, according to their own claim, would be about 20 per cent of old Hungary. They do not use the word "Slovakia." It has been the policy of these propagandists, and the policy of the Magyar Government sitting at Budapest, to endeavor all through these years to efface that word "Slovak." Then they have the effrontery to come into this committee room, as they did yesterday, and to suggest to you gentlemen that the situation there is similar to the situation in the United States pertaining to Texas or to California; in other words, that they are trying to do over there with those people what we are trying to do in these United States, to make the nation homogeneous. I think that if they were sincere, a better comparison and parallel would be to compare the situation to that in Switzerland, where three nations or peoples, speaking three languages, live side by side and manage their own government. That would be the truth. But one of the reasons why we are here is to protest against any such comparison as comparing the situation over there in Hungary with the situation in the United States as it pertains to Texas or New Mexico or California. It is nothing of the sort. These nations in Hungary were there before the Magyars came.

And another point against which we protest, that is contained in this advertisement, is the claim that all these nations that are seeking the right of self-determination over there now are immigrants, that the Magyars were there first. The Magyars have set up the false contention that they were the aborigines. I do not think it requires much of a scholar to realize the fact that any race that came to Europe in the tenth century, is far from being the aboriginal race of the country, because we know that the great migrations took place in the sixth and seventh centuries.

We also know this fact, that the Magyar language, as far as its terminology is concerned which relates to agriculture, which relates to the home, which relates to the marriage state, which relates to the common things of life such as tools, practically all in the terms in the Magyar language have been adopted from the Slovak. That of itself, gentlemen, is significant, because no nation aboriginal in a country borrows its common words from a nation which has come in in later years. The process is just the reverse. And when they, before you here, have been claiming their much-vaunted culture, that culture such as it is is due to the fact that they have taken it from these other nations, and they have labeled it Magyar. The extent to which they have gone along these lines in order to rob the nations which have lived in a common country with them, of their own reputation along the lines of civilization and culture, is apparent from the fact that at the World's Fair in Chicago they would not permit the Slovak women to label their embroideries as Slovak embroideries, but insisted that they be labeled as Hungarian embroideries, again fooling the public with that term "Hungarian" and misleading the public.

The same was true in London; where they refused to permit the Slovaks, and Austria on the other hand refused to permit the Czechs to label their exhibits under their national names. In this robbery of reputation these two plunderers, the Germans of Vienna and the Magyars of Budapest, have persisted in all these years, in order that they might make it appear to the world that they were ruling over homogenous nations; that Austria was German and that Hungary was Magyar, and yet on the other hand Hungarian, a thing which meant nothing if it did not mean the fact that it was Magyar. Now we protest against this misrepresentation in this advertisement, which seeks to show that the Magyars were the aboriginal inhabitants of Hungary, and that these other nations moved in there like a lot of interlopers many centuries afterwards and that now they are trying to rob the Magyars of their country. In proof of the facts which I have stated, I refer you gentlemen to the books of Seton Watson, Racial Problems in Hungary, and Political Corruption in Hungary, and the work of Seton Watson on the Jugoslav question. I also refer you to the work of Emily Green Balch on Our Slovak Fellow Citizens. Emily Green Balch is an American, and she discusses the problem of our Slovak fellow citizens both here in the United States and on the other side, where she has had an opportunity to view them. Every impartial observer and scholar in Hungary has condemned the governmental system over there, the system of denationalization, and condemned that colossal humbug that the Magyars have been circulating over the world, in stating that they are a chivalrous, progressive, liberty-loving people.

They have some laws on the statute books, but they never enforce them. They have those laws on the statute books in order that they may refer to them when the occasion arises, in order that they may be able to deceive somebody by claiming that they have such and such a law.

The astounding statement was made here yesterday that their constitution is akin to our Anglo-Saxon constitution. I ask you gentlemen, what do you think of such a statement, in the light of the fact that they for instance do not know what the writ of habeas corpus is? I ask you what you think of that statement when you consider the fact that no editor over there has ever been safe who dared to defend the rights of his nationality, but almost without trial, under the guise of a trial, was sent to jail time after time, and that newspapers have been fined so that their financial resources were exhausted, so that they would have to stop finally from sheer exhaustion? I ask you what you think of calling that constitution akin to an Anglo-Saxon constitution, when a nation like the Slovaks, comprising about 3,000,000 souls, were only able to send four representatives to the Diet at Budapest, and were only able to do it once when they used all the power that they could summon together in order to bring about a proper campaign? I ask you what do you think of a situation concerning electoral laws under which one-sixth of the population are graciously permitted to elect about 4 representatives when they ought to have about 50?

And that situation also pertains to the Roumanians. What do you think of the "highly chivalrous" Magyar nation that officially flogs little schoolboys because they dare to recite a poem entitled "I Am Proud that I Am a Roumanian," and does it in the name of saving the State. Then these gentlemen come before you here and try to tell you, and have the effrontery to tell you that the Magyar Government over there—they say Hungarian Government, but it is the Magyar Government—is trying to bring about a situation in Hungary akin to that in the United States where we try to show our immigrant peoples that they ought to know the English language. Over there they are trying to tell the Roumanian, who has occupied those hills of Transylvania from a time long before the nomadic Magyar came onto the Danubian Plain, that he must forget his wonderful romance language and that he must learn that language which resounds in Turkey and in Finland, but which resounds in only a few parts of the world. They are telling him that he must cut off his intellectual relationship with the Italian and the Spaniard and the Portuguese and the French, and, if you please, with the Englishman, and that he must limit himself to the barbaric language which cuts him off from intellectual relationship with the greatest and best in the world, past as well as present? What do you think of these men who have the effrontery to come before you and claim that it is perfectly proper for them at Budapest to tell the Slovak, "You must not learn the Slovak or any other Slav language, but you must learn the Magyar language, and you must at once sever your intellectual relationship with almost 200,000,000 people in this world, and with literatures which run back for 20 centuries, that you must cut off your intellectual relationship with literature which runs back to Cicero and Virgil, and you must learn this language of ours which affords you intellectual relationship with practically 10,000,000

people only"? Those are a few of the things that we protest against here.

I know, gentlemen of the committee, that I am taking up considerable of your time here. I want to be as brief as possible and yet hurriedly cover the ground in order to reply to certain statements that have been made here. I am coming down to most recent events.

We were told yesterday that Hungary had no control of her own foreign policy and her army. Gentlemen, you recall a certain Dr. Dumba who was once the minister of Austria-Hungary in the United States.

The CHAIRMAN. Ambassador.

Mr. SVARC. Ambassador. I mention Dr. Dumba as an example of how far the Magyar controls the diplomatic situation in the dual empire. Dr. Dumba was a Magyar, and I want to say right here, and it can not be successfully contradicted, that it was the policy of Austria-Hungary to fill her diplomatic and consular posts with Magyars. I have just come from the other side, and the common complaint over there was that nobody had any opportunity to serve Austria-Hungary abroad unless he was a Magyar. That accusation was made by Germans as well, and if you will look up the rest of the representatives of Austria-Hungary to the United States, both in diplomatic and consular positions, you will discover that almost invariably they have been Magyars.

Senator KNOX. What about Baron von Hengelmueller, who was here for so many years representing Austria-Hungary. Was he a Magyar?

Mr. SVARC. Yes. In the statement which these gentlemen presented to you here yesterday in the form of a brief they ridiculed the idea of the empire of Svatopluk, and said it was probably a myth. The fact is that the Slovaks have occupied Slovakia since before the Magyars came, and have preserved their language and nationality and are endeavoring to preserve it to-day, and will preserve it because they are going to be free. Yet these Magyars have been telling us that the empire of Svatopluk was a myth. I do not care if it is a myth. On the other hand, I think their own kingdom of Arpad is a myth, for "Arpad" in Magyar means a leader, and their history has been made to suit the occasion. But, gentlemen, we are dealing with modern facts. The fact is that the Slovak nation is there, and in their own Magyar advertisement they say the Slovak nation is a compact body which numbers 76 per cent of upper Hungary. Now if 76 per cent of the population of upper Hungary are composed of Slovaks, then I think there is a Slovak nation there that is to be reckoned with, and that Slovak nation, under our idea of what constitutes self-determination, ought to have the right of self-determination.

The CHAIRMAN. You are not including the Czechs?

Mr. SVARC. No; just the Slovaks there.

Senator POMERENE. How many in number would that 76 per cent be?

Mr. SVARC. It is hard to say, because the statistics over there are quite deceptive. I want to speak in this connection about Magyar statistics.

Senator KNOX. That, I understand, is predicated on the statement made by Count Aponyi, is it?

Mr. SVARC. Yes; Count Aponyi also made the same statement.

Senator KNOX. I was told that in making that statement he had reference to 4 or 5 counties in Upper Hungary, and not to the 18 or 19 counties which compose the entire upper section of Hungary. Do you know how that is, as a matter of fact.

Mr. SVARC. Yes. We shall present a brief here which will contain statistical data, with comments on the sources of our statistics, in order to show you how the various counties of upper Hungary or Slovakia are constituted with regard to population.

Senator KNOX. That is how all of them are constituted.

Mr. SVARC. Yes.

Senator KNOX. So that we will have before us the proportions of Hungarians and Slavs in Upper Hungary, all of it?

Mr. SVARC. Yes. Now, they themselves admit in this article that in Slovakia or Upper Hungary 76 per cent of the people are Slovaks. I suppose they knew what they were talking about, though I sometimes doubt it.

Right here, in regard to the question of population and the proportion of population of Magyars and Slavs, let me touch upon the question of a plebiscite. It was stated here yesterday that these gentlemen are wonderfully anxious that a plebiscite should be taken in Hungary in order to determine the question where these people want to belong. In a country that usually held elections under the presence of gens d'armes and the military forces, in a country where it was perfectly proper to get the population drunk with whisky in order to get the right expression of suffrage, in a country where there was no such thing as a secret vote, where a man comes to the polls and shouts out the name of his candidate, in a country where a meager portion of the male population, subject to a certain property requirement, are permitted to vote, in a country that always did violence to the expression or probable expression of the voters, or those who may have been voters, in a country where the elections were the scandal of the entire world, in a country where a few feudal magnates practically ran the entire country to the exclusion of the popular masses—in such a country, I ask you, is it not queer that suddenly these representatives come here and appeal to us that these people, the common people there, should be permitted to vote, a thing they never did in their lives, in order to determine their own destiny? I will tell you why they want it done. You can imagine the condition of education in the country where the ruling element has tried to rob these people of their own tongue, of their national traditions. The first step in such a process is to stultify these people. The process of stultification comes even involuntarily, because when you seek to rob a person of his mother tongue, you can easily imagine the result. Put yourselves in the place of that person. Suppose that now to-day you were suddenly ordered that you must learn the Magyar language; that you must not talk English. Suppose you are prevented from reading English books, from subscribing to English newspapers. Suppose that the road to you is closed to public preferment; in other words, you are a pariah, you are a stranger in the land of your fathers. Under that condition, I ask you, what sort of intellectual outlook does a nation develop? A very sad and a very bitter one.

Senator POMERENE. Do you mean to say that those are the conditions that prevail there?

Mr. SVARC. Those were the conditions when the armistice was entered into, and those were the conditions in Hungary when the armistice was entered into—worse than that, because they were under a people who tried to oppress them. Not only that, but they sent a lot of carpetbaggers into the country, strangers, because the Slovak communities did not know a word of Magyar, and they had to have Magyar officers in there in order to make this "homogeneous" nation which they are claiming. In addition to these carpetbag officials they sent in there, they proceeded to rob the church, and when I say the church I mean the Protestant Church, the Roman Catholic Church, and the Uniate Church. The Greek Orthodox Church or the Russian Orthodox Church they would not tolerate at all. They said they are pan-Slav churches, and the churches in this land were reduced to a condition of handmaids of Magyar politics, and no priest was permitted to preach in a parish if he was not patriotically correct, and that meant that he had to be a traitor to his own people; that he had to stifle within his breast his own patriotic ideals and his own duty, and in that way they corrupted the word of God so that they made nothing but slaves of those who ought to have been divinely ordained and divinely inspired leaders of their nations.

So they murdered the education, they murdered the nobility of the work of God, they reduced political office to a thraldom, and then stop and think what it means to a nation after you have cut off the opportunity for that nation to gain a free education, after you have cut them off from the advice, from the leadership of its spiritual leaders, when you make the appointment of a bishop contingent upon the fact that a man is the greatest traitor that can be produced in a nation; and when you send special envoys to the Pope at Rome, demanding that no priest shall be sent to the United States to a Slovak community unless that priest is patriotically correct, you gentlemen can imagine the situation. In this brief that we are going to submit, if you will permit us, because it is going to take a few days to get the document, we will bring you a document from the ministry at Budapest, which sought to fasten on the Slovak communities in the United States, composed of immigrants from Hungary, only such priests as the high politicians in Budapest would permit, and that came out as an order some years ago.

Senator POMERENE. That came out as an order to whom?

Mr. SVARC. This order was an order of the Hungarian Government to certain bishops of the church in Hungary, that when they sent priests to the United States they should select certain men for these positions, that in this manner they should cooperate with the Austro-Hungarian consuls. Mind you, that they should cooperate with the Austro-Hungarian consuls in regard to getting proper information about the situation in these parishes in the United States. If there ever was a blow struck at religion, if there ever was such a thing as degradation of religion, what do you think of an Austro-Hungarian consul, irrespective of the religion to which he belongs, informing the officers of the church abroad as to certain political conditions in the United States, so that those people abroad may be guided in the selection of proper priests for these positions? They

went so far as to have a Uniate bishop appointed for the United States. Gentlemen, the truth has not yet been half told about the dastardly work they have been carrying on here. We talk about a paltry $6,500 for these advertisements that they have inserted in the newspapers. In all the years that have gone by, even prior to this war, they have spent a great deal more. They have tried to corrupt our electorate in the United States in order that it should serve the interests of Hungary, because all this was being done by Hungarians, and I am talking now of government of Budapest. They sent a flag over here inscribed "Magyar, be ever loyal to your fatherland," and with this flag they sent also some soil from Hungary, and they had that flag traveling throughout the communities in the United States.

I ask you who represent this great and glorious country of ours what do you think of the force which seeks to divide our citizenship along such lines, which seeks to make those men who have entered into our American citizenship loyal only to the country of their birth. We have been talking about divided citizenship, about the dangers that threaten our country, and for years these people have been doing it. That has been the propaganda which they have been spreading here, and it is on a par with the German propaganda. There is only one loyalty that American citizens should know, and that is loyalty to the United States.

Senator HARDING. Was the purpose of all that to prevent Americanization?

Mr. SVARC. Yes; this was the real purpose of it.

Senator HARDING. Why was the priesthood employed?

Mr. SVARC. Because the priesthood was the only element that could reach these people. It was political. In other words, everything that they have done has been for one purpose, and that purpose has been the Magyarization of the country; it has been the impression of that chauvinistic imperialism which tried to make this its nation, as Hungarian-Magyar, and they have used all of these means. They do not know where to stop. In other words, they get insane about it.

The CHAIRMAN. I want to suggest that it is nearly 12 o'clock, and that at 12 o'clock we shall have to stop.

Mr. SVARC. Very well, Mr. Chairman. May I ask that these advertisements become a part of the record, with your consent?

The CHAIRMAN. Certainly.

Mr. SVARC. Mr. Koreff is here as my colleague and he wants to be heard.

The CHAIRMAN. We will hear him for 10 minutes.

Senator SWANSON. And they can file additional briefs?

The CHAIRMAN. Oh, certainly.

Mr. SVARC. Just a few words and I shall close. I think we are all agreed as to the great principles for which America entered this war. We have loved liberty over here, we have loved truth, we have loved righteousness. If anything disgusts the Americans it is when we discover that we have been overreached, that we have been wilfully deceived, that people have misrepresented things to us, that they have distorted the truth. Under these conditions I know there must be a revulsion of feeling. We who have come from the other side, or whose fathers and mothers have come from the other side,

have been close to the situation over there. We are Americans because of destiny through the force of conditions, economic, if you please, the love of freedom. That has brought us over here. Thank God the time has come when the situation over there, because of that tremendous flood in the progress of history, has simply wiped out the old order and has set up a new condition of affairs. The treasure that we have spent, the lives of our brave soldiers that we have sacrificed—all these tremendous sacrifices will have been in vain, if you gentlemen through your action here do anything which will seek to restore that old order of things, which made that economic, that political slavery over there possible. I know that you are in consonance with the spirit of the American people, and that you fully appreciate the sacrifices that have been made by not only our brave men, but by those other brave men who have, in the face of great opposition, in the face of great dangers, proudly walked to the gallows, who have proudly stood up against a wall to be shot down as traitors—not as traitors, but as defenders of the cause which represented the liberty and the brighter future of their people.

Senator HARDING. And you found under existing conditions here the greater opportunity for which you came?

Mr. SVARC. Oh, I was born here.

Senator HARDING. Can you speak for those who came?

Mr. SVARC. I have been on the other side, so that I know of that greater opportunity.

Senator HARDING. That is all.

Senator KNOX. I understand you to say that you are a native-born American citizen?

Mr. SVARC. Yes.

The CHAIRMAN. That is all. We thank you.

(The advertisement referred to is here printed in the record in full, as follows:)

[From The World, Sunday, August 10, 1919.]

TO THE AMERICAN NATION—REAL FACTS ABOUT HUNGARY.

The Hungarian situation has reached a stage of such acuteness that the peace conference and the home Governments of the principal Allies as well are greatly disturbed. Ultimatums, hurriedly telegraphed to Roumania, demanding a modification of the severe terms imposed on the Hungarians have proved futile.

Because of the obdurate attitude of the Roumanians, the transportation system of central Europe has been upset, making it impossible to forward supplies to the starving populations.

Mr. Balfour, the Foreign Secretary of England, in the strongest possible terms, condemned the Roumanian invasion of Hungary's capital and, according to cable dispatches, the peace conference unanimously demanded the withdrawal of the Roumanian troops from Budapest and did not recognize Roumania's ultimatum to Hungary.

And now that it has been so fatefully demonstrated that an ally of the allies may commit deeds that are wrong, the "American Committee for the Relief of Hungary" would like to state a few facts which will show that the demands of Hungary's neighbors for territory are wrong as well, and while based upon racial grounds, are clearly imperialistic.

The American people had so little opportunity to hear Hungary's side of the story that this information should be welcomed by every fair-minded citizen of this country.

To begin with, thousand-year-old Hungary has been in the course of its history a great power for good. The constitution of Hungary is as old as its history. Next to the English, the Hungarian constitution is the oldest in

Europe. Then it must be remembered that Hungary has always been the classical land of religious liberty. As far back as 1554 the Transylvanian Diet at Torda enacted the legal equality of all denominations then known there. That Hungary for a century and a half has been fighting the Turks and preventing them from extending their rule over western Europe is a known historical fact. Hungarian music, Hungarian literature and art, as well as Hungarian scholarship, have contributed to a large extent to the world's knowledge, enjoyment, and enlightenment. Hungarian culture has an individuality all of its own. Shall it cease now? Shall Hungary be dismembered, vivisected, annihilated?

The neighboring nations want to dismember Hungary on racial grounds, but what are the facts?

Thousand-year-old Hungary does not possess any provinces conquered by the sword. Her frontiers have not changed for ten centuries. The country is inhabited by Hungarians or Magyars, who established themselves there in the ninth century, and by other races which immigrated there in later times. Most of the Germans immigrated as colonists. In the eleventh century the ancestors of the Slovaks of today were admitted from the upper valleys of the Morava, Oder, and Vistula. In the fourteenth century Ruthenians made a habit of crossing the mountains in the northeast to pasture their cattle in those tracts of the country. In the middle of the thirteenth century the Hungarians permitted Roumanian shepherds from Wallacha and Bulgaria to settle in the southern parts of Hungary. The number of the Roumanians and Serbians increased when many thousands of those races came to Hungary in order to find there an asylum where they would be safe from Turkish rule. The Hungarians welcomed them and made them feel at home in their country.

It is, therefore, an outstanding historical fact that those parts of Hungary which to-day are inhabited by various nationalities did not belong originally to those races, but have been populated by the ancestors of the Slovaks, Ruthenians, Roumanians, Serbians, and Germans through immigration.

The other outstanding fact is that not only has Hungary within her present limits been a political unit for more than a thousand years, but her territory is perhaps the finest natural geographic unity in Europe, as a glimpse at the map will show. Economically her parts are interdependent, northern Hungary having iron, wood, water power; central and western Hungary having wheat, corn, pasture grounds; southeastern Hungary (Transylvania), coal, salt, oil, and natural gas. Each section apparently is—economically speaking—a cripple; together they constitute a fine, self-supporting organism. Belonging to the same river system, they communicate easily with each other. History has been the interpreter of nature when she created and preserved the political union of Hungary's present territory.

Life and time mingled the various races in Hungary incessantly. Other minglings were accentuated during the eighteenth century, and as one finds them now side by side. Protestant, Catholic, Jew, and orthodox, similarly there are in Hungary in the same region members of five or six nationalities. If we except central Hungary, which is wholly Magyar (85 per cent), and northern Hungary, which is indeed almost entirely Slovak (76 per cent), the races are so intermingled that you can not cut out an unbroken territory from any of them. Every such attempt creates new mixed territories with no clear racial majority in them.

A fair solution of the problem in Hungary, therefore, must be one which conciliates the laws of geography and political economy and the deep rooted result of history with the just demand of race.

Of course imperialism manufactures its own apparently just reasons to explain its unprincipled pretensions. Hungary's neighbors claim that the nationalities in Hungary have been oppressed. There is no space available to refute here this accusation. But what sort of an oppression could it have been that made it possible for all these races to increase in numbers to keep their language and national individuality during seven or eight centuries? Does this fact not show rather that Magyar rule was not only not oppressive but, on the contrary, liberal and generous? Other countries in Europe have during the past centuries forced their population of many races to melt together and become one nation. Hungary permitted all of its inhabitants to keep their nationality, asking them only to be good Hungarian citizens.

And the majority of these nationalities—the Slovaks, the Roumanians, the Serbs—do not want to cease to be Hungarian. It is the land-owner of the neighboring nations, their imperialism, which urges not only the dismember-

ment of Hungary, but demands territories where the Magyar race is in majority on the ground that some of their own nationality live there, thereby intending to subject millions of Hungarians to foreign rule.

Now, Hungary's problem, if a lasting peace is intended, can be solved only in accordance with the principle of national self-determination. It would violate this principle to permit that territories should be shifted from one State into another without the consent of the people who live upon those territories.

Indeed, the dismemberment of Hungary would be as great an injustice as that of Poland was, and would be a cause of economic troubles and never ceasing hostilities. It would create a Magyar Irridentism much worse than any irridentism known heretofore, because the oppression and subjugation of the Magyar people would take place at the very time when justice to the nationalities has been recognized a fundamental principle of world politics.

We respectfully appeal, therefore, to the President of the United States, to the United States Senate, to the House of Representatives, and to the American Nation for justice to Hungary.

AMERICAN COMMITTEE FOR THE RELIEF OF HUNGARY,
BERTALAN BARNA,
Chairman.
ARNOLD SOMLYO,
Corresponding Secretary.

665 FIFTH AVENUE, NEW YORK CITY.

STATEMENT OF MR. O. D. KOREFF.

Mr. KOREFF. Mr. Chairman and gentlemen of the committee, I shall be very brief.

Senator POMERENE. Mr. Koreff, where are you from?

Mr. KOREFF. I am from Pittsburgh, Pa.

The same Magyars who came here yesterday to plead for the integrity of Hungary are the Magyars who until recently were members of the Middle European Plunderbund. The peace conference at Versailles compelled them to disgorge the subjugated races, to wit: The Slovaks, the Serbians, and the Roumanians. Twice they conspired against the safety of the civilized world. First, when their Premier Tisza pushed the hand of Vienna, and by this action started the great European conflagration which even reached the shores of this country and necessitated American intervention in Europe. The second time, when Count Michael Karolyi, seeing that the Allies and the United States stood firmly on the principle of self-determination for these subjugated races of Hungary, turned Hungary over to the forces of anarchy in order to scare civilization into concessions to the real political factor, to the only potent factor in Magyar politics, the Magyar feudal nobility of Hungary. They are the only ones interested in the integrity of Hungary. Eleven millions of non-Magyars are not.

The Magyars are basing their claims on their so-called historical rights, yet the most noted Magyar historians have discarded these historical claims as belonging into the realm of fables. But even if their historical rights were of a stronger fiber they could not strengthen their case materially. Historical rights of nations are only valid as long as they don't interfere with the natural rights of others. Our own Declaration of Independence defines these natural rights very clearly: "We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, govern-

ments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." From the standpoint of historical right, England's claim to the colonies would still be valid had not the supreme will of the colonists established a natural right for the United States to be free. And so it is with the Slovaks of Hungary, who sought and found incorporation in the Czecho-Slovak Republic. The right of the Slovaks is not only based on their right as autochthons, as aborigines, who occupied their present location since time immemorial, long before the first Magyar ever set foot on the soil of present Hungary. It is based on the principle of self-determination which entitles ipso facto 76.5 per cent of the Slovak population of Slovakia, or, as the Magyars call it, Northern Hungary, to declare themselves free and seek their natural affiliation with their racial brethren, the Czechs of Bohemia. But the Magyars purposely confuse the rights of a citizen with the obligations of a subject.

Among the Magyars themselves there are two groups as regards their history. One group still clings to the unreliable history of the anonymous notary of King Bela, while another group, the Neo-Magyars, has thrown all these makeshift "emergency" stories into discard and has tried to rebuild its history on the result of the research work undertaken by the Oriental Academy founded in 1830 by Count Szechenyi. Modern Magyar historians are discarding the fable of Arpad and his conquest of Hungary as one of the many inexplicable things in their history. The main reason is that it never happened. Another reason is that of the original Magyars, who helped the Germans to down the Greater Moravian Principality at the end of the ninth century, no more are left, and that the present Magyars are not descendants of these Magyars of the ninth century, but descendants of the tribe of the Kumany who came into Hungary at the end of the twelfth century. Vambery, one of their most noted historians, traces these Kumany into Asia Minor, near the Caspian Sea. They belong to the Ugro-Turanian race. These Kumany are very much like the Magyars in physical appearance and other common characteristics. Vambery found among them many "arpads," which means in their language "leader," and there is no doubt that some "arpad" led them from Asia to Europe. They were nomads, wandering from place to place with their herds of cattle in search of grazing grounds. It is improbable that they entered Hungary by the northern entrance, through the Carpathian Mountains. Such entrance would have been too cumbersome for wagons and cattle. On the other hand, it is almost certain that they followed the upstream route of the Danube River, grazing along until they reached the plains of present Hungary. These being unoccupied there was nobody to resist them, and thus they took possession of the country.

There never was any dispute as to the Magyars having been nomads. The dispute begins where their historians of the old school try to convince the student of history that the Magyars came into Hungary at the end of the ninth century, settled down after conquering the country, and gave it immediately a constitution. There

seems to be no question whence a nation, or a tribe, without any fixed domicile, gets the idea of constitutional rights and constitutional government. But it is a fact that the Magyars took over from the Slovaks their form of county government, which, to the present date, probably slightly altered, forms the spinal column of the Magyar State.

Magyar history originated when the question of a written history became a burning necessity for a nation which yet had to explain how it happened to get to Europe. Thus their history turned out to be a makeshift without either archæological or ethnographical foundation. In the brief presented yesterday by the representatives of the "Hungarian-American Federation" there are some very weighty contradictions. Where Mr. Pivany stated that "the Bohemians, or Czechs, have made some allusions to the semimythical Moravian Empire of Svatopluk, which is alleged to have extended over parts of northern Hungary and been disrupted by the incursion of the Hungarians in the ninth century, the Slovaks, it is alleged, are the descendants of Svatopluk's Moravians;" Dr. Sekely admits that "there were only a few Slovaks," two contradictory statements, both in the same brief. How serious can such statements be taken?

Mr. Chairman and gentlemen, I could go on a great deal longer, but I shall refrain from anything further that I have to say to the brief which you have so very kindly said you would permit us to file. We thank you very much for the opportunity to be heard.

The CHAIRMAN. You may file your briefs with the reporter.

(The briefs referred to were subsequently submitted and are here printed in full as follows:)

To the SENATE FOREIGN RELATIONS COMMITTEE:

May it please you, Mr. Chairman and gentlemen of this committee, Mr. Ven Svarc, of Cleveland, Ohio, an American by birth, of Czech descent, a lawyer by profession; Mr. O. D. Koreff of Pittsburg, an American citizen of Czech birth, a newspaper editor; and myself, an American citizen of Slovak birth, represent the Slovak League of America and the Bohemian National Alliance, which have branch organizations in more than one-half of the States of the United States.

At this time I desire to thank this committee for the privilege it has extended to us in granting us an opportunity to be heard and present to you the case of Czecho-Slovakia in so far as it relates to the Magyar Government. Our purpose in view in appearing before you is to cooperate with your committee and assist you in reaching a judicious settlement in the matter entitled "The Case of Hungary," and further to refute and correct the vicious and misleading statements propounded by the representatives of the Magyar people who appeared yesterday before your honorable body I shall be very brief and dwell with the Czecho-Slovak and Magyar situation in the United States and leave the economical, geographical, and historical questions affecting the Czecho-Slovak and Magyar situation to my colleagues.

I believe that you ought to know something about the Czecho-Slovak people in the United States. The Czecho-Slovaks began to immigrate into the United States befor the Civil War and many of them fought bravely and heroically in that war. These Czecho-Slovaks began to immigrate to our shores in large numbers principally to escape the hardships and cruelties perpetrated upon them by the Magyar and Austrian Governments and to escape military service, realizing the humiliation and the insults that would be heaped upon them and the treatment accorded them by the Magyar and Austrian militaristic lords.

Since the presentation of the Magyar case involves Slovakia more vitally than it does the Czechs, I shall confine myself more to the Slovak people in this country, a subject with which I am more familiar, having been intimately connected with them for many years in various matters and being a Slovak by birth.

I am submitting the immigration records showing the Slovak immigration to this country from the year 1906 to 1915, during which years their immigration was larger than that of any time.

Number immigrating to United States.

Year.		Year.	
1906	38,221	1912	25,281
1907	42,041	1913	27,241
1908	16,170	1914	25,819
1909	22,516	1915	2,069
1910	32,416		
1911	21,415	Total	252,641

It must be explained here that many Slovaks who came into this country were put down on the immigration books as Hungarians or Austrians or Poles and undoubtedly were catalogued as such by our immigration officials. There is sufficient evidence that this is a fact, so that if we would say that from the year 1906 to 1915 the number of Slovaks coming here were about 350,000, we would not be amiss from the truth. The Czecho-Slovak population in the United States to-day is approximately about 1,600,000, or five times that of the Magyar population in this country. Of the Czecho-Slovak population, about 75 per cent of these people are American citizens. They live principally in the States of New York, New Jersey, Connecticut, Ohio, Illinois, Iowa, West Virginia, Texas, Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, Wisconsin, and Minnesota.

Many of the Slovak immigrants as a result of the oppressive educational system operating against them under the Magyar Government naturally suffered from lack of education. It can therefore be readily understood that they would migrate to such States as are well known for mines and factories which were employing unskilled laborers. Many of these immigrants, however, are educated men, having either attended or graduated from Magyar universities, there being no Slovak universities, and therefore possess various professions, such as medicine, law, the ministry, etc., while many of these have come here with exceptional business training as well as with a variety of trades. Many of these business men have engaged in various enterprises, such as banking, manufacturing, and along other commercial lines. They have been exceedingly successful in these business ventures, and a result a number of them have accumulated a great deal of wealth, while others are in fairly good financial circumstances. They command the utmost respect and confidence in the business world. A vast number of Slovaks coming to this country possess exceptional knowledge and experience in agricultural work. The compensation for this character of work in the United States previous to the present war has been exceedingly inadequate for the labor involved, and considering the number of hours expended in this kind of work and the little opportunity afforded for advancement in this character of occupation they have refrained from hiring themselves out to the farmers of this country, and instead have turned to the mines and factories, where the wages were better and the hours much shorter. The mechanics who have acquired their trades, not only a branch of it but in its entirety in the former kingdom of Hungary, are now employed in large numbers in many of our factories and have been extremely successful. They have become assets to their employers as a result of their thorough knowledge and training in their particular trades. Many of the Czecho-Slovaks have established reputations as business and professional men and further as artists and musicians.

The Czecho-Slovaks have developed a keen interest in our political life. Two Members of the present Congress are of Czecho-Slovak birth, others occupy elective and appointive political positions, while still others hold civil-service places in nearly every arm of our service in Federal, State, and municipal governments.

The Czecho-Slovaks have invested large sums of money in real estate, business, and personal property. Thousands of them own their own homes which is a fair indication that they have no expectation of returning to their native country, but will remain here. A great deal of this money has been expended for the building of churches so that, for instance, to-day there are 170 Roman Catholic churches, about 50 evangelical ones, some Greek Catholic, and a few churches of other denominations. There are about 500 clergymen connected with these churches. Nearly every church supports a school in which an elementary course is prescribed and instructions given both in the English and Slovak languages. Many of these churches and schools occupy city blocks and have been erected at a great expense. They are a credit to the Slovak people of this country. The Slovaks have a number of charitable institutions and a national Slovak home for the immigrants, all supported by donations

of the various fraternal benefit societies as well as by the people themselves. There is also a Catholic seminary for the instruction of priesthood and brotherhood; also a number of convents which prepare the Slovak young women for the sisterhood. Upon graduation these sisters are assigned to the Slovak parishes and act as teachers in the schools connected with these churches. There are many fraternal, sick, and death benefit organizations which the Slovaks have formed. Some of the principal ones, together with their names, membership, addresses, and assets, are as follows:

Name.	Membership.	Address.	Assets.
National Slovak Society	49,759	Pittsburgh, Pa.	$1,170,859.56
First Catholic Slovak Union	70,909	Cleveland, Ohio.	1,590,184.70
Pennsylvania Slovak Catholic Union	21,573	Pennsylvania	364,227.27
Slovak Evangelical Union	10,554	Freeland, Pa.	230,225.51
R. & G. Sokol	13,573	Passaic, N. J.	93,687.21
Slovak Union Sokol	10,917	Perth Amboy, N. J.	197,598.00
First Slovak Wreath of the Free Eagle	8,631	Bridgeport, Conn.	62,770.26
Cleveland Slovak Union	1,355	Cleveland, Ohio.	37,493.29
Native Slovak Society	1,164		10,150.00
First Catholic Slovak Woman's Union	26,044		429,049.48
Pennsylvania Slovak Woman's Union	9,140		111,791.29
Evangelical Slovak Woman's Union	4,077		
Passaic Slovak Union	2,600		19,730.64
Total membership	229,993		

There are about 20 other scattered societies with a membership of over 20,000. It can be safely asserted that the membership of all these societies numbers upward of 250,000 with a capital of about $5,000,000. All these societies have branches doing business in nearly every State. To illustrate the vast territory in which they are carrying on business let us take one of these larger societies, the National Slovak Society, and we find that they have branches in the following States:

Pennsylvania	227	Ohio	58
Alabama	3	Rhode Island	2
Arkansas	3	Virginia	4
California	2	West Virginia	15
Colorado	8	Washington	5
Connecticut	15	Wyoming	2
Delaware	1	Iowa	4
Indiana	9	Louisiana	1
Illinois	40	Massachusetts	3
Kansas	4	Michigan	6
Montana	6	Minnesota	8
Mississippi	4	Oklahoma	3
Maryland	3	Wisconsin	9
New Jersey	23	Kentucky	1
New York	32		
New Mexico	1	Total	459

The Slovaks also have a number of libraries containing many volumes of Slovak authors as well as works of other authors which have been translated into the English and Slovak languages. Many Czechs and Slovak newspapers are published in this country and are as follows:

SLOVAK NEWSPAPERS.

Daily papers: The Slovak Daily In America; The National Daily; The New York Daily; The Daily Voice.

Semiweekly: The Slovak In America; Weekly; The American Slovak News; Union; Brotherhood; The Slovak Voice; The Slovak Progress; National News; Catholic Sokol; Youngstown Slovak News; Obrana; The Farmer; The Miners' Slovak Journal.

Semimonthly: Slovak Sokol; Woman's Union; Monthly; Witness; Life; Junior News; Critic; Slovak Youth; Ave Maria; Advice; Children's Friend.

Some of the Czech newspapers are as follows: Pokrok Zapadu; Czechoslovak; Svornost; Slavia; Zajmy Lidu; Spravedlnost; Denni Hlasatel; American Svet; Hlas Lidu; Hospodar.

Besides the above-mentioned newspapers there are many newspapers and periodicals published under various names and issued during different periods of the year. Some of the daily, weekly and monthly issues have a very large circulation and reach nearly every section in the United States. These newspapers are principally the only source of enlightenment to the Czechoslovaks in this country. An organization has been formed in this country called the Slovenska-Liga (Slovak League) and is backed by all the Slovak newspapers with the exception of two or three, these latter ones having sold their body and soul to the Magyar representatives. This organization has allied itself with the Czechs (Bohemians) of this country and it has been popularly known as the Czechoslovak National Council. The purpose of this organization has been to assist this Government in the past world conflict and to secure freedom and justice for their very much oppressed brethren in Europe in securing the independence of Czechoslovakia which, thank God, they now have. The Bohemian National Council and the Slovak League are supported by popular subscription from their people who have freely contributed to the worthy cause which these organizations represent.

PROPAGANDA IN THE UNITED STATES.

The vast number of Slovaks immigrating each year from the former government of Hungary to this country developed a serious problem for the Austria-Hungarian Government to solve. The labor situation became very seriously affected. In fact, it was so serious that the former Hungarian government was forced to adopt some means to stem the tide of immigration. It was decided by the Magyars to spread propaganda among the Slovaks in this country and they began to spend money lavishly here to Magyarize the Slovaks right in our own country. They began to conduct this propaganda by means of a subsidized press. Articles were written in these unscrupulous papers endeavoring to induce the Slovaks to return to their native country. Misleading statements were printed tending to show that the living conditions affecting the Slovaks in Hungary had entirely changed; that these alleged conditions would materially benefit them. Pamphlets were printed and generously distributed among the Slovaks in this country. Even a poem was dedicated to the Slovaks of this country by a celebrated Magyar poet which in substance reminded the Slovaks of the glorious place of their birth and the loyalty that they owed the country in which they were born. In fact, the Magyar Government went to such extremes in this respect that they were able through their influence to send ordained priests and have them asslgned to the Slovak parishes in this country. These instructed priests who carried out the mandates of their masters and arch conspirators, upon their return to their native soil were assigned to the most lucrative and prosperous Slovak churches. The Magyar Government was very considerate and careful that these priests were well taken care of for the balance of their lives. But fortunately the majority of the Slovak priests who came to this country were courageous enough to discard and disobey the instructions given them. They resolved to expose the true existing conditions in Hungary and showed how the Slovaks were misled by the instructed priests and gave the reasons for it. It was practically suicide for this kind of a priest to return to Hungary for he would be given the poorest kind of a parish and as a result he would be barely able to exist under the living conditions that would be forced upon him. Such was the punishment that the Magyar Government meted out to these patriotic Slovak preachers of the Gospel.

Within recent years an American citizen of Magyar origin was appointed by a former President of the United States as a special investigator to study the immigration situation of Hungary. When he arrived in that country he was wined and dined and welcomed with open arms and shown every consideration by the officials of the Magyar Government. This was done purposely to influence and induce this investigator to file a favorable report about the immigration conditions to this country. It was not long before this investigator ascertained the abnormal obstacles that were placed in the path of the then Hungarian immigrant. The situation was of an astounding character. This investigator, ignoring the desires of the Magyar officials made an exact and true report of the conditions as he had observed them and forwarded the same to his Government. The moment that it was ascertained that he was reporting the truth, all sorts of obstacles were immediately placed in the way of his performing his duties connected with his mission. Letters were written to our Government by the Magyar officials endeavoring to discredit this investigator. He was accused of being an exconvict and upon some flimsy concocted complaint filed against him, he was arrested, convicted and fined. This merely is an indication as to what extent the Magyar Government is able to stoop in order to prevent the truth from being known

and how they would deal with a person even if he represented a great and powerful country like the United States. It is a well known fact that the Magyar Government representatives in this country prior to the declaration of war by the United States against the Central Powers carried on a newspaper and personal propaganda campaign publishing various articles in their newspapers the contents of which were based upon false theories with an intention to operate against the best interests of our country. The articles published in these newspapers as well as the personal solicitation of the Magyar representatives advised the Slovaks and the Magyars of this country to give up their positions or go out on strikes in factories and in other employments where war implements were manufactured, basing their argument upon the pretense that these war instruments would be used to destroy the lives of their Slovak brethern in Hungary. Articles in these newspapers and the influence of the Magyar agents were materially responsible in causing disorder in our commercial life and instilled an ill feeling in the hearts of some of the people, that they had reached through this means, against our country. Their activities became so prominent along these lines that an investigation was ordered by our authorities and the information that was gathered was sufficiently convincing to show us that these Magyar agents and their like were creating a great deal of disorder in this country and that they were just as bad as their brothers in crime, the German agents. These agents were plotters and schemers.

They had no conscience nor any decency in their body. It was their object in view to undermine our Government. They stooped ever so low and stopped at nothing, no matter how cruel or base it was. Murder was in their hearts. They concocted schemes to blow up steamships sailing from our ports, to blow up into splinters our factories that were manufacturing munitions. The destroying of life and property was of no consequence to them as long as they could serve their clownish Emperor Charles and their Fatherland. These men were a disgrace to this glorious country of ours. When our representatives had made their investigation and filed their report, Dr. Dumba, ambassador of the Austria-Hungarian Government to the United States, was asked by our Government to leave this country. So we Americans bid this gentleman a fond farewell, this representative of a supposedly highly cultured, refined and humane peoples. An article published in the New Europe of December 19, 1918, contains a newspaper article carried by the Pesti Hirlap, a Magyar newspaper, which advises the carrying on abroad of a violent propaganda in the interest of the Magyars and the expenditure of any amount of money necessary to that end. This article is very significant as it is interesting for the following reason: On August 10, 1919, a whole page paid advertisement appeared in four New York newspapers entitled, "To the American Nation; Real Facts About Hungary," making an appeal to the President of the United States, to the United States Senate, to the House of Representatives and to the American Nation for justice to Hungary and signed "The American Committee for the Relief of Hungary; Bertalan Barna, chairman; Arnold Somlyo, corresponding secretary; 665 Fifth Avenue, New York City." This newspaper advertisement contains absolute misleading statements affecting the Slovak situation in which we are principally interested. The other nationalities therein mentioned can well take care of themselves which, no doubt, they will.

An estimate was secured by me from the manager of the advertising department of the New York World in which one of these ads appeared and the amount paid for this ad was exactly $1,344. In other words, it cost approximately $6,500 to carry the above advertisement in the four New York newspapers. Can it be that this sum of money was part of the money that was intended to be expended as quoted in the Pesti Hirlap for foreign propaganda work or have the purse strings of the government of Bela Kun been loosened or perhaps the pocket books of the Magyar landed aristocracy been opened to confuse and poison the minds of the American people as to the true facts concerning the dismemberment of the former Kingdom of Hungary? Now, we behold the extraordinary scene of witnessing the presence of representatives of these Magyar people in this room of the Senate Foreign Relations Committee pleading for justice for their kinsmen. These representatives do not represent the Hungarians. They are Magyars and only represent the Magyar people. It seems that they have misled this committee as to whom they represent and it is evident that they have done this in order to get their case before your committee. It has been a wonder to me that they have not walked into this room arm in arm with the agents of the Kaiser and his war lords, the representatives of the Sultan of Turkey, and the agents of Lenine and Trotsky and endeavored to palm these culprits on your committee and have them heard as to the unjustifiable manner in which their Asiatic and European possessions have been taken away from their Governments. The Magyar complaint against the dismemberment of former Hungary has no more merit than the claim of the above-mentioned Governments. They are and have been our enemies.

A statement made before the committee by Mr. Eugene Pivány, who spoke in behalf of the Magyar Government, was as follows: "If occupation for a thousand years is not acknowledged to be a valid title to a country, then we may be called upon some day to relinquish our title to Texas and California and other parts of the United States—in fact, to Mexico or to Spain or to the Indians—and the whole map of Europe may have to be made over, too." This statement clearly shows the operation of Mr. Pivány's mind: that if your committee decides against the claims of the Magyar Government, our Government must, to be consistent, turn back Texas, California, Minnesota, and Wisconsin to Mexico, Spain, Germany, or the Indians. It further shows conclusively by the illustration of this proposition that there is an intention of embroiling the citizens of our country into a foreign proposition by referring to the weak titles that according to their contention we possess to the States above mentioned.

The principal claim advanced for the former Government of Hungary not to be dismembered is because the constitution of the Hungarian Government is a thousand years old, and the picture of this country is so beautiful that it would be a shame to spoil it. Hungary has been justly dismembered and the territory allotted has been fairly distributed to the people to whom it rightfully belongs and there is no doubt in my mind that this committee will not disturb the present boundary lines as marked out and agreed upon by the representatives of our country, as well as our associated powers. The Magyars have been convicted by the civilized world for the cruel and inhuman part they played in the past world war. They are now at the bar of justice awaiting sentence. There is no good reason why sentence should not be passed upon them, and may the Lord have mercy upon their souls.

But, let us see. What did the Czecho-Slovaks do to help us win the war? A Czecho-Slovak army was recruited in this country, numbering about 3,500 men. All the members of this army were not American citizens. Some of them were beyond the draft age. They were under no particular obligation to serve our country by the taking up of arms. But they willingly and gladly volunteered their services in this army and with bullet and cold steel were cheerfully anxious to defend it, for a cause which they knew was just and right. This Czecho-Slovak army received its preliminary training at Stamford, Conn. This army was maintained and supported by the Czecho-Slovak people of this country. These courageous and brave men left their wives, sweethearts, parents, and dependents behind them, and with the greatest spirit and enthusiasm sailed for the battlefields of Europe, happy and contented to serve our country and to help defeat the barbaristic Huns and help thereby to secure freedom and independence for their centuries oppressed kinsmen in Czecho-Slovakia. The Czecho-Slovaks in this country contributed largely to the Red Cross, bought millions of dollars worth of Liberty bonds. Information of the greatest importance relating to the enemy spy operations in this country, as well as abroad, was furnished to our different departments. In fact, their activities to help us win this war became so prominent that the United States Government recognized the services rendered by these people to us and took the Czecho-Slovak people out of the column of alien enemies and classified them as loyal Americans and staunch supporters of the Allies.

Before the United States declared war against the Central Powers, hundreds of Czecho-Slovaks enlisted in the Canadian Army. Surely their anxiety to fight the Huns shows absolutely that they do not want to be a part of the Magyar Government as the Magyar representatives would have this committee to believe, but that they want to join hands, which they have, with their brother Czechs and maintain the Czecho-Slovak Republic and the territory which has been justly allotted to them. It is now an historical fact as to what service was rendered by the Czecho-Slovak army in Siberia. There is no question but that they were directly responsible in saving Russia for the Allies and thereby keeping German influence out of Russia. The civilized world recognizes the great service rendered by this courageous army to mankind.

But what did the Magyars do during the war? Not one single instance has been referred to by the Magyar representatives either in their oral testimony or in their briefs as to the particular services rendered by the Magyars in this country to help us win the war. What consideration as American citizens do they really deserve at the hands of this committee?

In conclusion, I might state that there were thousands of Czecho-Slovaks who volunteered or were drafted into the service of the United States Army or Navy, many of them holding ranks as officers. They fought bravely and with distinction shoulder to shoulder with our boys. Many of them have sacrificed their lives and are now buried in graves upon the battle fields of Europe never again to come back to the land of their adoption. Many of them have been crippled and wounded. They are now nearly all back home again. Whatever changes may have taken place during their absence they will find that the United States has its heart in the right place and with open arms will welcome them back again into the folds of safety which

they have so faithfully helped to maintain. There will be purer, sweeter love of country and stronger tied of friendship for those who will have contributed to pay the price of our beloved America no longer a foreigner a stranger in a strange land, but back home, his home, our home, a home of liberty, of freedom, of justice, of democracy, our America.

Respectfully submitted.

EDWARD VACZY,
For the SLOVAK LEAGUE OF AMERICA and
THE BOHEMIAN NATIONAL ALLIANCE.

WASHINGTON, D. C., *September 4.*

The brief submitted to this honorable body by the representatives of the Magyars is packed with deliberate falsehoods, historical inaccuracies, and claims intended to mislead the people of the United States. Hungary's part in the war was not subordinate, as they would like the world to believe, but it was the influence exercised by their premier, the late Count Tisza, which acted as a driving force in declaring war on Serbia. While it may be admitted that the Magyars were, seemingly at least, opposed to the Hapsburgs, they were always supporting the Prussian dynasty of the Hohenzollerns. The war on Serbia was the realization of one of their long-cherished wishes, to expand further eastward, thus bringing themselves in full accord with the Prussian design. "Drang nach Osten" (the desire to get to the east). For this purpose Count Michael Karolyi visited the United States in the spring of 1914, shortly before the war, in order to ascertain the amount of support Hungary could count on in case of war. The visit of Count Karolyi may be rightfully called a political trial balance of the Magyars before the war. Count Karolyi was caught by the war, and only the courtesy of the allied governments enabled him to reach Hungary unmolested. Further, it is an undeniable fact that the Magyars fought to the very last day against the Entente, to wit: They fought against them as long as they thought that they could win the war. When the armistice was signed Count Karolyi made an attempt to mislead Gen. Franchet d'Esprey in representing Hungary of antebellum date, in spite of the fact that the Czecho-Slovak Republic had become an actuality both by recognition by the allied governments and the United States, as well as by the revolution in Czecho-Slovakia of October 28, 1918. How Count Karolyi dealt with the Allies in handing over Hungary to the Bolsheviki is treated in another part of this brief.

The story of Arpad and his alleged conquest of Hungary, as part of the brief of the Magyars, is one of those historical inaccuracies, or even deliberate misrepresentations, which their own historians repudiate. Yet the Magyars do not hesitate to appear before this honorable body and again bring out that as a fact which even their own scholars refuse to support. Their claim of having had a constitution nearly as old as that of England is another of those unsupported claims. The historian would vainly look for any nomadic nation which would, after centuries of wandering, suddenly stop in a certain part of a country, found a kingdom at a moment's notice, and bring as proof of its state-building capacity with it a ready-made constitution. Such a nation seems to have been the Magyars, if any credence can be given their statements. Vambery, the noted Magyar historian, calls these stories "stupid inventions." (Vambery: Origin and Growth of the Magyars, p. 177.) Their narration of the so-called blood pact, according to which seven leaders of different tribes elected Almos as their leader, and taking the oath of allegiance, they drew their blood off into a vessel and signed with it the pact, Vambrey considers beyond comprehension. "How could the Magyar historians ever think of such an absurdity to attribute to a full-blooded Asiat, imbued with the patriarchal spirit of the nomad, such a constitution and such institutions which must have been entirely unknown to Asiatic conception of that period?" "This also concerns the 'stupid invention' (otromba koholmany) about the blood pact * * * and these epigons are naive enough to enter into serious analysis of it (the blood pact)." (Vambery: Origin and Growth of the Magyras, p. 177.) In the same strain, and with the same force are these historical impossibilities repudiated by Hunfalvy and Acsady. Where their own historians refuse to suppport their historic claims, there certainly is no reason for others, who are not Magyars, to accept them at par value.

The much-boasted-of Golden Bull of King Andreas II (1222) is far from being able to stand a favorable comparison with that great Anglo-Saxon document, the Magna Charta. It is an instrument between king, feudal nobility, and yoemanry, leaving out the serfs, the common people or misera plebs contribuens, entirely. And when with the fall of serfdom in 1848 the political order in Hungary changed, it was again

the Magyar feudal aristocracy that seized the reins of political power. American vernacular expresses this kind of changes: "Head I win, tail you lose." In both instances are the common people ruled out of participation in the government of affairs.

The Magyars, in their brief, laid great stress on their "national kings" without explaining that they were not Magyars, but Roumanians, Anjevins, Bohemians, etc. They lay great emphasis on the fact that the Magyars stemmed Turkish invasions without mentioning that twice the Slavs rescued them from a strangle-hold, namely, Nicholas Zrinsky and John Sobieski, one a Croatian and the other a Pole.

From the time of the battle of Mohacs (1526), when Hungary and Bohemia joined Austria "in order to perfect a stronger union against the onslaught of the Turks," to the time of the revolution of 1848 there is only one period in the history of the Magyars worth mentioning, to wit, the Josephinian era, 1780–1790, when the Magyars in order to resist the Germanizing tendencies of this monarch, Joseph II, and also in order to protect their rights as feudal lords and yeomen, began to Magyarize the country. Not until then did the Magyars interfere with the natural development of the other nationalities in Hungary. As a matter of fact, the idea of naticnalism only developed since the French revolution and Hungary was in that respect no more advanced than any other of the nations of Europe.

The revolution of 1848 only brought freedom to the Magyars, while the other nationalities were denied that for which the Magyars had set out to fight. It was during that period, until 1867, to the compromise (Ausgleich) with Austria that the idea of an integral Magyar State matured. From that time until the day of the armistice the Slovaks of Hungary underwent sufferings, degradations, oppression which border on the incredible. Flatly repudiating the rights granted the non-Magyar nationalities of Hungary in article 44 of the law of 1868, they denied them the right of the use of their mother tongues in school and churches. By setting up a bureaucratic apparatus of staunch Magyars, they drove almost one million of Slovaks out of the country of their ancestors.

The cult of Kossuth's pseudo-liberalism is another point greatly overworked by the Magyars, for while Kossuth fought for the rights of the Magyars he violently denied these same rights to the Slovaks, from whom he sprang. R. W. Seton Watson (Scotus Viator), the noted Scotch author, an enthusiastic admirer of Louis Kossuth, visited Hungary in 1905 in order to study the race problem on the spot. He came to Hungary an ardent admirer of Kossuth and a friend of the Magyars, but left it after three years of intense study disgusted with their methods, their insincerity, and their belief that everybody was a fool but a Magyar. His book "Racial Problems in Hungary" is one of the most remarkable on this subject and deals with it exhaustively.

Where the Magyars compare Kossuth's conception with that of President Wilson on self-determination they reach the point of impudence. To compare the policy of Magyarization in Hungary with the treatment of our immigrants coming to this country is, to say the least, an underrating of the thinking capacity of the average American citizen. In a polemic with R. W. Seton Watson the Magyars compared the conditions of the non-Magyar races in Hungary with the condition of Great Britain as pertaining to Wales, Scotland, England, and Ireland, and R. W. Seton Watson in his reply considered the Magyars fortunate for not having to deal in their case with Irishmen or Scotsmen, but with Slovaks. That, taken as it is, speaks for itself more than could be expressed in volumes.

The Magyars speak in one strain of a semimythical Greater Moravia, and in the same strain they admit that their ruler Arpad conquered Hungary and Greater Moravia, then under Svatopluk. Historians of note hafe definitely established the identity of Greater Moravia (Palacky, Safarik, and others), but how Magyar historians have taken the fable of this conquest is best expressed by the following occurrence: The famous "Magyar" artist Michael Munkacsi, whose name originally was Lieb, and who was of German origin, painted a grand painting in which he depicted the occupation of Hungary by Arpad. Lacking exact historical proofs he had to accept the fable chronicled by the anonymous notary of King Bela. It shows the stern Arpad, on horseback, in the background his staff and masses of troops; before Arpad are kneeling the subjugated Slavs, messengers of king Svatopluk, as they are handing over to him a jug containing water from the Danube and some of the products of the earth as a symbol that they forever relinquish their land and their properties in favor of Arpad and his tribe. This picture, though of great artistic value, was impossible from the historical standpoint so that the government, at the advise of sensible people had it removed from the assembly room into a small room where it is not so exposed to public view and criticism. This may be a serious blow to Magyar national pride, but it does not strengthen their case in the light of history.

To speak of the Slovaks as immigrants to Hungary in the light of the above facts would seem quite a hapless case. It does not seem to matter that archeologists have

found in some of the Slovak castles of the western counties remnants from the neolithic period, such as stone molds for the casting of bronze swords, bronze coins, etc., of distinctly Slav origin, bearing all the characteristics of Slav popular art. It would be no wonder if the Magyars would claim that they made these on their wanderings through the steps of Asia, and gave them to the Slovaks. Yet, the production of metals out of ores is only possible among people permanently settled. There are no traces of metalurgy among nations, though they may learn to work them in their own crude way.

The dismemberment of Hungary into its racial component parts is the only logical conclusion. Another part of this brief is dealing with the abuses by the Magyars of these subjugated races, and the peace conference has learned to look at this question from the right angle. It is, no doubt, a painful experience for the Magyar feudal lords to lose 11,000,000 of former subjects through misgovernment and crimes which have no parallel in history, but to come before this honorable body, and claim that unless the United States become an active partner to the repudiation of a debt of honor to these subjugated races, the principle of self-determination is sheer humbug if the Magyar feudal lords are prevented from further exploitation of these subjugated races the league of nations is a league of injustice, is in our estimation the acme of audacity. The spokesmen of the Magyars must have left out of sight that they are representing an enemy country; they must have forgotten that the United States of America is an associated power with the Entente; they must have overlooked the fact that the Committee on Foreign Relations of the Senate is a legislative branch of the Government of the United States. There is no other explanation for their brazen front.

The question of plebiscite; the question of racial oppression is dealt with in another part of this brief. Whether the Slovaks are immigrants to Hungary seems to dwindle away before a statement of the ever helpful historian Vambery who states in the already cited book on the origin of the Magyars: "The original Magyar (osmagyar, who could claim this title rightfully was a scarce specimen even in the twelfth century: in later historical periods the existence of such an original Magyar must be considered as illusory." "In the veins of the present generation of Magyars there is not even contained one single drop of the blood of the original Magyar." (Vambery: Origin and Growth of the Magyars, p. 369.) It is not very probable that infusions of such blood have taken place since Vambery wrote his book in 1895. Now, then, these Magyars, according to Vambery, are not of the original Magyar stock, and immigrated to Hungary, as stated in one of the preceding paragraphs, during the twelfth century. That they permitted the Slovaks to get there during the eleventh century is indeed very considerate of them.

Thus we find that the Magyars in preparing their brief which is de facto an application for a license for the exploitation of the former subjugated races of Hungary have again committed the same deliberate falsehoods; they have again built up their plea on an agglomeration of canards; they have again tried the old game at which they are and were such masters. They have again dared to brazenly lie, before this honorable body. Viewed in the light of history their whole existence is a makeshift affair, and if they do have an historical mission, as they undoubtedly have, they ought to be limited to bring conclusive proof before this honorable body that they are capable of governing themselves which they have yet to show. But they have proven beyond any shadow of doubt that they are not able to govern others.

In conclusion we want to state that, concerning historical facts:

1. The Slovaks were in Europe in prehistoric times.

2. The Slovaks did not arrive in Europe during the migration of nations, because such a large body of people could not have entered Europe without having been noticed by historians and chroniclers.

3. Modern historians are trying to trace their origin by the names of rivers, mountains, cities, and settlements of prehistoric origin.

4. Francis Palacky, Czech historian, proves beyond doubt that Greater Moravia was not a myth, but an actuality.

5. The Byzantine Emperor Mauricius (582–602) writes about them that they were a liberty-loving people, and very democratic. That they even rejected the idea of one ruler, but lived in autonomous communities.

6. That this loose form of government explains to a certain degree how it was possible that some of these counties (zupy) joined the Magyars after their arrival in Hungary. That this junction was voluntary, and that conquest belongs into the realm of fables.

7. That quotations taken from history of the Magyars are from the book by Armin Vambery, entitled: Origin and Growth of the Magyars (A magyarsag keletkezese es gyarapodasa).

8. That Vambery calls the alleged conquest by Arpad a "stupid invention."

9. That both, their constitution and the blood pact, are products of the most brutal fancy and imagination.

10. That Ignace Acsay, another of their historians, calls the anonymous notary of King Bela a person lacking common sense and his claims unacceptable by sound reason.

11. That Paul Hunfalvy, in his ethnographic studies calls it utterly unreliable and mere poetry.

12. That Magyar culture of that period was on the same level as that of other nomads. That state-building qualities with them were lacking, as they would with other nomadic nations.

13. That, according to Vambery, in his quoted work, the Magyars did not create a constitutional organization during the time of their wanderings. That, like their present religion, they acquired all their government institutions at a later period, in their new home land, during the time of their settlement, after a fundamental change of economic and cultural conditions, and their influence upon public affairs they only acquired during the past century.

14. That the Magyars came to Hungary as nomads, without any definite intentions of settling down, being hirelings or mercenaries of the various rulers who waged constantly war upon each other.

15. That at the time they claim to have founded the Magyar State they had neither the qualifications nor the necessary force to do it.

16. That the famous Slavonic linguist Dr. Frank Miklosich in his book, "The Slav Elements in the Magyar Language," proves that they did not have the slighest conception on state building; that their language lacked such terminology, and that they borrowed such words from the Slavs surrounding them. That there are over 1,000 such words, all of Slav origin, which must have been strange to a nomadic tribe; that they adjusted these words to their lingual peculiarities.

17. That, as nomads, they did not know building of houses and that they had no use for them on their wanderings. That they lived in tents and on wagons.

18. That they gradually adopted all their culture from the Aryan races with whom they came into contact; that they are heavily indebted to the Slavs in this respect.

19. That Magyar feudalism and yeomanry were greatly responsible for the material and mental sufferings of the common people unto the present day, and that the Golden Bull of King Andreas II was a perpetual lease of privileges at the expense of the common people.

20. That the so-called Magyar nobility is only Magyar in name; that it is descended from carpetbaggers and soldiers of fortune who were dumped into Hungary during the various invasions; that there is hardly one Maygar nobleman left who could trace his lineage to the original Maygars.

21. That the Magyar language was not the so-called language of the State but that it was, until almost 1848 the Latin language which had been in use in the courts and the administration of the country; that the majority of the most chavinistic nobles did not know the Magyar language at all; that only the common people spoke whatever language they knew while the nobility spoke German, and during certain periods even Czech.

22. That during the Josehinian era, 1780–1790, owing to the Germinizing tendencies of that monarch Magyar nationalism got aroused, and since then did its nefarious work toward the denationalization of the subjugated races in Hungary; that this Magyarization lasted until the signing of the armistice.

23. That the Magyar State is not of Magyar origin but is the product of non-Magyar brains.

Respectfully submitted,

O. D. KOREFF.

MAGYAR AND GERMAN PROPAGANDA, OR THE ART OF PUTTING REASON TO SLEEP.

During this war a sudden discovery was made. It was the art of influencing people and making them believe something which would ultimately redound to the advantage of those setting in motion these suggestive thoughts. Aside from thought suggestion this art also resorted to various methods of violence for the purpose of influencing the minds of individuals as well as of whole nations. For want of a better designation we termed this art German propaganda. The success of German propaganda is dependent upon the lack of knowledge which the person who is sought to be made its victim possesses regarding certain conditions or facts; its aim is to deceive him, to cause him, for instance, to believe that vice is a virtue. This art of deception was not new to the Germans at the outbreak of the war and did not have its rise in this war but long antedated it. The same is true of Magyar propaganda. In the United States Magyar

propaganda had a double advantage. For decieving the American public it relief upon two things, namely, the Kossuth myth which sought to make us believe that Kossuth was a liberator in the sense that Washington was, and that he was the champion of universal liberty. The truth is that he was neither; but he was a tyranical oppressor, a rampant Magyar jingo and imperialist who though himself a Slovak by race became a traitor to his own people and stood for the principle of subjugating the majority of the population of Hungary, composed of Slovaks, Serbs, Croats, Carpatho-Russians and Roumanians to the Magyar minority. Kossuth visited the United States. Our people were taken in by him. They knew something about the Hapsburgs and detested them. Kossuth fought against the Hapsburgs and without any further investigation of the man and his works our people rushed to the conclusion that his cause must be a just one. But in our day this Magyar myth about Kossuth has been exploded and he has been awarded his proper, unenviable place in history. Yet the Magyars continue to deceive our people with the old Kossuth fairy tale.

(References: "Racial Problems in Hungary" by Seton-Watson; "Corruption and Reform in Hungary" by Seton-Watson.)

Secondly, the Magyar propagandists have been exploiting the word Hungary and Hungarians. This has been their favorite pastime, especially in the United States. Edward Freeman, the great English historian, once said that to properly understand the geographical, physical, and ethnological conditions in the Austro-Hungarian Empire would in itself require a liberal education. In view of that statement it is no discredit to ou rpeople that the majority of them have not the information at hand which would enable them to make proper deductions. The Magyars, realizing this situation, employed it to deceive the American public and to found upon the lack of our information their insidious propaganda.

What was formerly termed the Kingdom of Hungary is a geographical area in central Europe which comprises a polyglot State. This late State is inhabited by the following nations or parts of nations: In the north by the Slovaks, an entire nation; in the south by the Croats, an entire nation, and by the Serbs, a kin of the Croats, the only difference between these two being that the Croats are Roman Catholic in religion and employ the Latin alphabet while the Serbs are Greek-Orthodox in religion and employ the Cyrillic alphabet. In Transylvania, the southeastern part of Hungary, there live the Roumanians, and in the northeastern part of Hungary live the so-called Carpatho-Russians. The Magyars themselves occupied the central Danubian plain. The total population of Hungary before the nations of Hungary disintegrated it into its component parts by enforcing the principle of the self-determination of nations, was about 22,000,000, of whom approximately 9,000,000 were Magyars and 13,000,000 non-Magyars. The Slovaks have occupied Slovakia in northern Hungary centuries before the Magyars came there as a nomadic tribe.

These various nations of Hungary lived in peace and concord with one another throughout the middle ages and to the very beginning of the nineteenth century. The Latin language was the language of the courts and of the civil administration of Hungary until the close of the eighteenth century and was the bond that united the polyglot peoples of this polyglot kingdom. In 1848 the Magyars asserted themselves as the dominant nationality, and with Kossuth begins the era of their chauvinistic attempts to denationalize the non-Magyar majority, to efface the non-Magyar nations and to make the country homogeneous in language and national consciousness. In a word, to rob the non-Magyar majority of its national heritage.

In 1867 the Magyars wrested from the Hapsburg dynasty the so-called agreement (Ausgleich), under which they were made complete masters over the destinies of the non-Magyar nations in the late Hungarian Kingdom, and from that time dates the most brutal denationalizing policy that the world has ever known. Upon the dead bodies of the non-Magyar nations of Hungary was to be reared a new Magyar empire.

In the pamphlet submitted to you by the Magyar representatives entitled "The Case of Hungary," a constant effort is being made to prove that the Magyars in Hungary were only trying to do that which has been done in the United States, namely, to have the people learn the language of the country. How false, arrogant, and misleading this cliam is becomes apparent from the fact that article 44 of the law of 1868, whose provisions, however, were never put into effect, but which was merely used as a means of deceiving the world by parading it as an instrument of modern liberalism, guarantees to the nations inhabiting Hungary the right to maintain their own mother tongue in church and school, and guarantees to them their national individuality and civil equality. We ask these Maygar gentlemen, who so glibly point to our case of California, Texas, and New Mexico, that if these are parallel cases, why was it necessary for the Magyars to make these guaranties to the non-Magyar nations if the Magyars did not owe them any duty in this respect? We also ask them why they are now trying to deceive the American public with the claim of their prior occupation

of Hungary? If the Magyars were the sole owners of Hungary by virtue of prior settlement, why was it necessary to make this guaranty to the non-Magyars? We wish to explain, however, that although these guaranties were on paper, that they were put on paper merely for the purpose of showing the pseudo-Magyar liberalism to the rest of the world, but that they were never put into effect and that the Slovaks particularly were the object of the bitterest policy of denationalization, were tyrannized over, and defrauded of all their natural rights.

If the representatives of Magyar imperialism would be honest they would freely admit that the situation in Hungary as pertains to the various nations is akin to that in Switzerland, where peoples speaking three languages live side by side, yet, unlike Hungary, in fully respecting each other's linguistic rights. They would also admit that since 1867 the Magyar oligarchic clique of feudal lords which has had Hungary by the throat has been violently opposed to any solution of this polyglot situation by refusing to make any concessions toward a federalistic form of government, and that they have always stood out violently for the policy of a ruthless Magyar imperialism which would devour the non-Magyar nations and mold them over into the dreamed-of Magyar State. This Maygar State idea had its birth in the sixties of the last century and is at the root of all the sufferings of the people of Hungary. The Magyar State idea drove the chauvinistic Magyar nation into the hands of the undemocratic, militaristic, feudal lords, such as Tisza, Apponyi, and others, who forced their backward, unprogressive, medieval ideas upon the entire population of Hungary and drove the Magyar people into this war in order to further their imperialistic designs.

The Magyars have a double face, one is for appearance at home in Hungary and the other they show abroad. Their conduct at home is reactionary, brutal, and oppressive. The entire effort of their government was exerted at all times since 1848 in the effort to denationalize the non-Magyar nations which were occupying this common region. Their conduct in the outer world was one of unending deception by which they sought to create the impression that they were imbued with democratic ideas and liberal in their treatment of the non-Magyar nations.

The flimsy justification which the Magyars sought to establish for their brutal, cynical, imperialistic, designs at home was based upon the fact that in the Magyar language they had no word for Hungary. The term Magyar-Orszag, meaning the Magyar country, being to them synonymous with the term Hungary. Hence, in the United States they have sought to convey the impression that every Hungarian or a person coming from Hungary was a Magyar, though they seldom used the appellation Magyar, preferring to use the word Hungarian in order that they might more readily deceive the uninformed and unitiated. The truth of the matter is that practically all of the non-Magyar people of Hungary resented to be called even Hungarians, much less Magyars, they having nothing in common with the Magyars. But they have a bitter memory of the cruel persecutions; and those of the non-Magyars who have come to the United States have been driven here by these persecutions and the economic distress which accompanied them. For the Magyar imperialism under which these peoples of Hungary have suffered, and this applies to Magyars and non-Magyars alike, was sponsored by the Magyar nobility who composed an oligarchy of feudal lords for the purpose of conveniently exploiting the masses of the population, denying these masses the right of universal suffrage and proper representation in matters of government.

This feudal oligarchy, represented by such men as the late Count Tisza, Count Apponyi, and others, have been the chief propagandists of Hungary in order to preserve the so-called integrity of Hungary so that they might continue in their undemocratic and reactionary manner and exploit the 22,000,000 of the population for their own selfish enrichment. Magyar imperialism is but a cloak to them, so that they can play upon the vanity of the 9,000,000 Magyars and use these not only for their exploitation but as an instrument for the denationalization and consequent subjugation of the remaining 13,000,000 of non-Magyars. In a word, so that they can continue their feudal overlordship over Hungary in this modern era which has outgrown their medieval ideas.

CONCRETE CASES OF MAGYAR PROPAGANDA AND ITS SYSTEM.

During the war in reliance upon the deception and mystification of the peoples of Western Europe the Magyars had the effrontery to maintain in London itself a propaganda bureau. Fortunately the English upon its discovery put an end to it. They have used in Switzerland a propaganda bureau known as "Agence Centrale," and they are carrying on active propaganda detrimental to the Entente cause wherever they believe their efforts will sow the seeds of discord. In Holland they have established the "Hollandsch-Nieuwsburo," which has been working under the guidance

of their agents, Pazmandy and Cserniak. The impertinence of Cserniak became so great that he was expelled from Holland. We do not seek to deny to any one the right to influence his fellowmen on behalf of the cause of his nation if it is done in an honest, upright manner, but we protest against insidious efforts in this direction which employ falsehood, intrigue, deception, and craftiness, not to mention other dishonorable devices, for the purpose of robbing the world of the fruits of the victory of this war at the terrible cost of millions of lives and the expenditure of treasure that beggars the imagination.

That this purpose has been set down by the Magyars so that by craftiness they can now obtain what they failed to do by force of arms is apparent from the following citation from the Pesti Hirlap of Budapest: "In the three coming months we have to concentrate all our efforts on the work abroad; no matter how much it costs, whether it is one million or one hundred thousand millions, it is worth it. Every article written in French, English, or Italian, will save for us one square kilometer of Hungarian territory. It will be the duty of a clever manager to spread into the circles of our enemies what the staff of writers will prepare. It is necessary to send into every foreign country with Andrassy, Apponyi, and other Magyar statesmen, Magyar socialists who speak foreign languages fluently, for we can not spare Andrassy and Apponyi and their equals when there is a question of propaganda in foreign countries."

It is estimated that the full-page advertisements which appeared in some of the daily papers of New York and signed by the so-called American Committee for the Relief of Hungary, have cost about $6,500. The New York American late in July contained an article by Count Apponyi which contains the same misstatements, falsities and misrepresentations that are contained in the advertisement above referred to. The same misrepresentation has been carried on in the pamphlet submitted to your honorable committee entitled "The Case of Hungary," and signed by Eugene Pivany as secretary of the Hungarian-American Federation. Mr. Pivany admits that he has been at Budapest in close touch with Magyar statesmen during the whole period of the war, and that he returned to the United States last January. There is but one conclusion that we can arrive at, namely, that the effort now being made to deceive the American public with regard to the "case of Hungary" had its origin at Budapest and is a part of one vast conspiracy to rob the world and humanity of a victory for justice and righteousness for which we paid our collosal price in human life, agony and treasure. We protest as American citizens against the effrontery and insolence of the enemy to carry on among us this insidious activity.

MAGYAR PROPAGANDA IN THE UNITED STATES BEFORE THE WAR.

When the war broke out there were in the United States almost 1,000,000 Slovak immigrants. They were driven here by Magyar oppression and the economic backwardness of their country, thanks to Magyar administration.

The Slovaks from our country used to visit their homeland in large numbers. They became imbued with the American spirit. They were no longer the same docile Slovaks as of yore and asserted their rights against their foreign masters.

The Magyar Government planned to put a stop to the influx of this democratic and liberalizing spirit. At home in Hungary this ruling, feudal aristocracy had degraded every religious body and its ministry to the level of the hand-maid of its rapacious politics and Magyarizing policy. No priest or minister would be ordained if he was not in accord with the Magyar State idea, nor could he have a parish, which meant that he must sell his birthright for a mess of potage.

The Magyar Government issued an order to control the priests in the United States who had Slovak parishes. They used the Austro-Hungarian consular and diplomatic service to spy on the priests and congregations and to act as informers. In this last class they also used a few renegade priests. The Magyar Government also sent here a bishop for the Uniates, a branch of the Roman Catholic Church, to which the Carpatho-Russians, neighbors of the Slovaks, belong. The patriotic and loyal American priests ministering to the Slovak congregations in the United States sent a memorable protest to their American bishops resenting the interference of the secular Magyar Government in purely ecclesiastical matters.

Several years before the war, under the auspices of the Magyar Government, a Magyar flag accompanied by some Magyar soil was sent to the United States. The flag bore the inscription, "Be ever loyal to your country, Oh, Magyar." This flag and soil were to be sent from one Magyar colony to another in the United States. The Slovak immigrants in the United States, through their accredited representative, protested to our State Department against this effort of a foreign Government to foster divided allegiance on our soil and to stand in the way of a thorough American spirit among a part of our people. This loyalty of the Slovak immigrant in the light of recent events merits the gratitude of all Americans. It was this spirit that inspired

the American of Czecho-Slovak birth or descent to render the supreme sacrifice in this war. This spirit brought the downfall of Dr. Dumba, the Austro-Hungarian ambassador, when he tried to coerce the Slovaks, and to threaten them if they dared to work in our munition plants. At that time we see, there also was an organization here among Magyars which was working for the relief of Hungary, against the United States.

Under the guise of a loyalty league these same Magyars tried to form during the war among our Slovak immigrants an organization called the Hviezda, which was to wean them away from any interest in the war and in Hungarian affairs. The effort met with failure. The Slovak remained true to the United States and to the cause of his oppressed race.

I hardly need to note the fact that the Magyar Government subsidized both Magyar and Slovak newspapers in the United States. But this effort among the Slovaks met with resentment and failure; they saw through the scheme. One of these sheets, called the Krajan, will always live in their memory as the greatest joke in Slovak journalism.

The efforts of Magyar propagandists in the United States were an utter failure in influencing the Slovak immigrants. Now, when the victory for an undivided American loyalty among these people has been won and when freedom for their race is dawning in the homeland—the insidious hand of the Magyar enemy—the enemy of the United States and of Czechoslovakia—turns the venom of his vicious propaganda upon the entire American public to deceive us, and to rob us of the realization of that ideal for which we all struggled and sacrificed so that peace might be made more secure and the happiness of nations assured.

DID THE MAGYARS PLAY A SECONDARY PART IN THE WAR IN EUROPE?

The effort has been made by the representatives of Magyar imperialism to impress your honorable committee that the Magyars in Europe played but a subordinate part in the war and that they were compelled to play this part against their will.

No one will deny that Count Julius Andrassy is a loyal Magyar patriot and a mouthpiece of the Maygar people. In a speech which he delivered in December, 1917, among other statements, he said:

"The events of this war have shown that Hungary is the surest support of the monarchy, while the tendencies of the Czechs are a great danger for the dynasty and the monarchy. We (Magyars) devoted all our powers to the cause of the monarchy and the dynasty, and we did this from duty, loyalty, and also egoism. Count Szecheny in 1848 summoned the nation to support the dynasty and assure to the Magyars a dominant role. At that time it was impossible, because there were vital differences between the outlook of the dynasty and of the Magyar nation, and because the dynasty stood for interests in foreign policy with which the nation had nothing in common. What was then impossible has now happened without Szecheny, without any great men: The (Magyar) nation has itself felt the interests of the dynasty and of the nation to be identical, and placed all its forces at the service of the throne."

Count Andrassy contended, the Czechs on the other hand "have proved disloyal and part of their troops have joined the enemy. As there is no Czech army to enforce their claims, they could only obtain their aims in one way, by revolution; and to admit openly such a policy is only calculated to weaken them and strengthen us (the Magyars). They think that with the amnesty a political course was ushered in such as justifies them in putting forward such claims. I believe them to be radically mistaken. Meanwhile from the standpoint of the monarchy as a whole, it is undoubtedly most harmful that the Slavs follow so revolutionary a policy. That can only lead to the collapse of Austria. It is to our interest that side by side with a strong Hungary there should be a strong Austria. It is quite certain that we can reckon in every way upon the support of his majesty, both on account of his whole outlook, of his interest of self preservation, and of the oath which he has taken to oppose every effort to violate Hungary's integrity. * * * But on the other hand, we must act with the greatest energy against these excesses, and use all our influence to prevent dualism being replaced by federalism, which would make the small nations independent of Austria and render it possible for them, as equals, to place us in a minority over important common questions. To give these forces the right to interfere in our important affairs as special autonomous States, would be equivalent to consciously destroying the power of the monarchy."

On the same occasion Dr. Wekerle (a Magyar) made a statement in which he bitterly denounced any effort to establish federalism in Hungary and gave assurance that a determined policy would be adopted to maintain the present dualist basis and against all Slav aspirations. And he added:

"The best guarantee against them is unity (between Hungary and Austria), and that is our strong and impregnable fortress, if the golden band which unites us is strengthened by the support of the Crown. And to prove its impregnable character, I venture, with His Majesty's permission, to announce his declaration, that there is not even the bare possibility of His Majesty's not employing all his authority to nullify efforts directed against the lawful independence or territorial integrity of the Hungarian State."

The foregoing citations from eminent Magyar statesmen show the position of the Magyar people in their attitude toward the war. We need but recall to your minds the hostile attitude of the Magyar prisoners of war toward the Czecho-Slavok soldiers operating in Russia and Siberia. These Magyar and German prisoners of war, acting in consonance with an order issued under the joint signatures of Wilhelm II and Emperor Charles that they align themselves with the Bolsheviki, as this was in the interest of Germany and Austria-Hungary, followed this exhortation, and at all times bitterly fought against the Czecho-Slovak army operating in Russia and Siberia.

We ask, considering the record that the Magyars have made in this war as bitter enemies of the Entente on every battle field, considering the statements of Magyar statesmen, what evidence have the Magyar apologists to offer in support of their statement that the Magyars played but a secondary part in the war?

SOMETHING ABOUT STATISTICS.

It has always been a passion with the Magyars to falsify their statistics for their own advantage in order to demonstrate to the world that they were the dominant race in Hungary. For that reason scholars are unanimous in asserting that Hungarian statistics are entirely unreliable. But however unreliable they may be, the subjoined statistics are official Magyar statistics which were employed for the purpose of proving the Czecho-Slovak case by means of the enemy's statistics.

To demonstrate the craftiness employed by the Magyars in the presentation of statitics, it is but necessary to mention that the statistics of 1910 give the total number of Slovaks as 1,967,970, but the number of persons speaking the Slovak language as 2,776,743. Everyone knows that the Magyar, a member of the dominant race, does not condescend to learn the Slovak language. Therefore it follows that the latter figure represents the real number of Slovaks.

If, on the other hand, the Magyars make the contention that the difference between these figures represents Magyarized Slovaks, when the political pressure heretofore exerted upon these Magyarized Slovaks is removed they will again become Slovak adherents and willing subject of the Czecho-Slovak State. Furthermore, the Magyars living in Slovak districts who form the official class of carpet baggers, when the Magyars cease to rule Slovakia, their function being over, they will return to their original homes in Magyar land, where they properly belong.

When the Magyars set up the claim that in any event some Magyars must remain in Czecho-Slovak territory, it must also be remembered that there will be many Slovaks who, when the final borders are drawn, will be compelled to remain in Magyar territory. And these numbers, it has been estimated, will be about equal. This fact will probably be a guarantee of mutual tolerance. Furthermore, the peace conference has seen to it that the rights of racial minorities will be safeguarded.

The Slovak counties fall naturallyi nto three groups: (1) Seven, where the population is predominantly Slovak; (2) seven, which are in great majority Slovak, but portions of which are mixed and therefore debatable; (3) five, which contain Magyar majorities, certain portions of which it will be necessary to sacrifice in order to attain a tolerable frontier. In the following tables these groups are divided for practical purposes into two categories: (1) What can fairly be assigned without further question to the Czecho-Slovak Republic, and (2) debatable districts which ought, if the Paris conference still has the time and energy, to form the subject of a special inquiry on the spot, rather than be carved up arbitrarily by ill-informed diplomats at a distance.

	Slovak.	Magyar.	German.	Total.
(A) Overwhelmingly Slovak counties:				
Trencin (Trencsen)	284,770	13,204	9,029	310,437
Turec (Turocz)	38,432	5,560	10,993	55,703
Orava (Arva)	59,096	2,000	1,518	[1] 78,745
Liptov (Lipto)	78,098	4,365	2,591	86,906
Zvolen (Zolyom)	113,294	16,579	2,124	133,653
Spis (Szepes, Zips)	97,077	18,658	38,434	[2] 172,867
Sarys (Saros)	101,855	18,088	9,447	[2] 174,620
Total (A)	772,622	78,384	74,136	1,012,931
I.				
(B) Counties with Slovak majority (deducting debatable districts):				
1. Prespurk:				
(a) 5 districts north of Danube	137,237	64,749	12,912	218,876
(b) Town of Pressburg	11,673	31,705	32,790	78,223
(c) Towns of Tirnova, Basin, Modor, and St. George	16,695	6,156	5,279	28,439
2. Nitra:				
(a) 10 country districts	283,021	36,065	24,959	337,698
(b) Towns of Nitra and Skalice	9,084	10,259	1,895	21,437
3. Tekov (Bars):				
(a) 4 country districts	81,638	24,216	15,455	122,531
(b) Towns of Kremnice and Ujbanya	5,738	1,971	1,593	9,328
4. Hont:				
(a) 2 country districts (Batovce and Krupina)	29,018	3,659	217	48,479
(b) Town of Stavnica (Selmeczbanya)	8,341	6,340	453	15,185
5. Novohrad (Nograd): Country district of Gacs	19,633	1,557	56	21,679
6. Gemer:				
(a) Three country districts (Sobata, Garamvolgy, Revuca)	44,768	11,894	361	58,394
(b) Towns of Rima Sobata, Revuca, Jolsva, and Dobsina	3,304	11,227	1,858	16,712
7. Zemplin: 5 country districts	80,917	23,978	5,954	121,627
Total (B)	731,367	233,776	103,207	1,098,608
Total (A and B)	1,503,989	312,160	177,918	2,111,539
II.				
Prespurk (Grosse Schutt) M	412	60,757	2,841	64,212
Nitra (Ersekujvar, Vagsellye)	32,559	54,000	1,103	88,320
Tekov (Levice)	10,148	35,835	318	46,641
Komarom (north of Danube)	3,051	78,379	142	81,747
Esztergom (north of Danube)	908	36,075	77	37,092
Hont (Ipolysag, Ipolynyek, Szob, Vamosmikola)	10,703	62,732	6,393	79,761
Novohrad (Novohrad, Lucenec, and towns of Lucenec and Balasa)	33,527	77,944	2,134	114,838
Gemer (Rimasec, Putnok, Roznava)	16,583	65,922	600	84,080
Abauj-Torna (Fuzer and Kosice) town of Kosice	33,300	61,410	3,694	100,779
Zemplin (Satoralja)	4,988	37,145	42	42,937
Total	146,179	570,199	17,344	740,407

[1] The County of Orava has always contained the highest percentage of Slovaks (94.7 per cent in 1900), but in 1910 the Magyar statisticians suddenly discovered the existence of 16,120 Poles, thus conveniently reducing the Slovaks to 75 per cent. This fictitious change rests on the obvious fact that along the linguistic frontier the Slovak dialect shows certain Polish (as also Ruthene) influences.

[2] There are also 50,827 Ruthenes (12,327 in Spis, 38,500 in Sarys).

The foregoing statistics have been incorporated from the New Europe of April 3, 1919.

HOW THE SLOVAKS WERE OPPRESSED IN HUNGARY.

In the year 1867 the Magyar State Idea, the driving force of Magyar imperialism, was given its impetus, when the Magyars were made supreme masters in Hungary over the non-Magyar nations, and from that time dates the oppression and persecution of the Slovaks, which grew as time went on and reached its climax during the great war. The severity of this oppression has no equal in the annals of European history. The Magyars were determined to wipe out the 3,000,000 of Slovaks by completely Magyarizing them. The great exponent of the Magyar State Idea and of forceful Magyarization, Bela Grvenwald, put it thus:

"The revival of national consciousness among the non-Magyar races constitutes a danger to the Magyar State. In Hungary there can be but Magyar culture. It is impossible to gain by peaceful means the Slovaks for the Magyar State Idea. The only thing left us is to exterminate them completely. If the Magyars want to survive they must enrich their blood by assimilating the non-Magyar races."

Pursuing this policy, the Magyars first of all laid their hands on the Slovak schools. In 1874 and 1875 they closed the only three Slovak gymnasia or higher schools. They also disbanded the Slovak scientific and literary society, the Slovenska Matica, confiscated its funds and buildings. This property was turned over to the Magyar government and later employed in Magyarizing the Slovaks.

The Slovaks were deprived of all secondary schools and hence were compelled to seek education in Magyar schools. Bela Gruenwald describes the rôle of educational institutions thus:

"The secondary school is like a huge machine; at one end Slovak youths are thrown in by hundreds, and at the other we gather full-fledged Magyars." The Slovak student were prohibited from speaking the Slovak language, from reading Slovak or any other Slav books, and if they did not tamely submit to the process of Magyarization they were banished from the school. In this manner the Slovaks were deprived of a cultured class. In order to prevent the Slovaks from seeking education in other Slovic lands, a Slovak student could not receive his license to practice law or medicine if he did not have a diploma from a Magyar university.

To furnish some idea of the condition of schools in Slovakia we submit the following:

In 1914 there were in Slovakia 448 Magyar kindergartens, but not a single Slovak kindergarten.

Primary schools, 4,253 Magyar, 365 Slovak; but the Slovak primary schools were Slovak in name only as the Magyar language was by law compelled to be taught from 17 to 24 hours per week, and the whole number of weekly school hours was but 26.

There were 138 apprenticeship schools for artisans and merchants, all Magyar, not a single Slovak one.

There were 112 Magyar higher elementary schools, not a single Slovak school.

There were 27 Magyar normal or teachers' schools, not one Slovak.

There were 46 Magyar high schools, not a single Slovak high school; 8 Magyar high schools for girls, not a single Slovak high school for girls.

There was no Slovak university, no Slovak technical school, no Slovak law school, theological academy, or professional school; all were Magyar.

The Slovak church, both Roman Catholic and Protestant, was in the hands of the Magyar Government and entirely employed for the purpose of Magyarization. When the Slovaks refused to recognize Magyar clergymen imposed on them, they buried their dead without religious rites and left their children unbaptized.

At Cernova the Magyar Government insisted upn the dedication of a Slovak church by Magyar priests. The Slovak congregation refused to admit the Magyar priests. The government called out soldiers, though there had been no violence, who proceeded to shoot into the people, killing 15 parishioners, severely wounding many others, sending others to jail on the charge that they revolted against the government.

The Magyars resorted to the practice of seizing Slovak children and sending them into strictly Magyar districts where they were placed in Magyar families. This official kidnapping at the instance of the Magyar Government finally had to be discontinued because public sentiment in Europe became so aroused against this crime that the Magyars were compelled to desist.

Slovak editors were constantly harassed by fines and imprisonment, so that their existence became almost impossible. The Magyars purposed to efface the Slovak press.

The electoral laws and the system of elections were so manipulated by the Magyars that the Slovaks were deprived of rightful representation in the Parliament.

The economic oppression of the Slovaks by the Magyars made it practically impossible for the Slovaks to engage in industry. Every industrial or economic undertaking required a Government license, and the Slovaks were systematically refused such licenses, so that the Magyars would be able to hold everything in their own hands. As a result of all these persecutions in the last 40 years 739,565 Slovaks emigrated, most of them going to the United States. During the war the Magyars intensified their oppression and persecution of the Slovaks because of the hostile stand which the Slovaks took against them and the fact that Slovaks abroad joined the Entente armies and that Slovak prisoners of war went over to the enemy.

On November 1, 1918, the Magyar Government at Budapest issued a decree providing that owing to the fact that the Slovaks proved themselves disloyal in the course of the war, no real estate in Slovakia could be sold unless the grantee was approved by the Government, and that such sale would be either to the Government or to a person designated by the Government, at a price stipulated by the Government. During the war Slovak soldiers who would not deny their Slovak race were shot or hanged; Slovak girls were forcibly abducted under the pretense of being taken

into the hospital service; in reality they were handed over to Magyar and German officers for the purpose of prostitution.

Under the Karolyi government the same Count Apponyi, who is now imploring the American Republic to be just to the Magyars and who asks us to betray our Slovak and other non-Magyar allies and return them to Magyar slavery, became the minister of education. The Maygar apologists in the United States have been trying to create the impression that Apponyi and his clique have become democratic and liberal since the armistice. The fact is that they have only become more cruel and bitter. The only reason that they can not carry out their designs upon the non-Magyar population of Hungary is due to the fact that these liberated nations are now in a position to repel the Magyars by force of arms. Apponyi, on resuming the ministry of education in the Karolyi cabinet, outlined a policy whereby the last vestige of the Slovak language as well as other non-Magyar languages would be eliminated from the schools, and also proceeded to further put under his Magyarizing influence the churches of the non-Magyars. And in all these efforts Count Karolyi concurred. Yet the Magyar apologists in the United States have the effrontery to represent to us Count Karolyi as a liberal statesman who was misunderstood and wrongfully abused by Gen. d'Espery and the Allies generally.

It was further proposed that the Magyars should so manipulate the electorate that it would become almost impossible for the non-Magyars to get any representation in the parliament. In other words, they were willing to further limit the franchise.

In the year 1918 the Magyars intensified * * * their work of oppression along many lines. Instead of showing a more liberal policy to the oppressed nations of Hungary, they devised the aforementioned scheme to expropriate non-Magyar property.

The Pesti Hirlap, in an editorial on November 28, 1918, stated as follows:

"The Magyar State has the right to decide what elements shall possess the soil. It has the right to assure its territory against suspect elements.

"The State must have an unlimited right of expropriation in order to be able to parcel out and colonize the land. It must carry out a healthy distribution of land to the Magyar race, which alone is the support of the State. To the south it is the Serbs who hold the best land; in Transylvania it is the Roumanians. As long as the Government remains in power it must employ that power to make the Magyars masters of Magyar land."

OPPRESSION OF THE SLOVAKS BY THE MAGYAR GOVERNMENT EXPRESSED IN OFFICIAL FIGURES.

The Slovaks represent 14.8 per cent of the total population of Hungary. This is the representation which the Magyars graciously gave them.

1. State functionaries: (*a*) In Slovakia (17 counties and 3 towns), 1,733 Magyars, 32 Germans, 2 Slovaks; (*b*) in Hungary (exclusive of Croatia-Sloavnia) out of 13,017 State functionaries there are 12,447 Magyars, 225 Germans, and only 35 Slovaks.

2. County functionaries: (*a*) In Slovakia, 920 Magyars, 11 Germans, 18 Slovaks; (*b*) in Hungary out of 4,094 county functionaries there are 3,803 Magyars, 126 Germans, 19 Slovaks.

3. Municipal functionaries: (*a*) In Slovakia, 753 Magyars, 59 Germans, 11 Slovaks; (*b*) in Hungary, of the 7,090 municipal employees 6,198 Magyars, 449 Germans, and only 12 Slovaks.

4. Public and district notaries: (*a*) In Slovakia, 1,080 Magyars, 20 Germans, 33 Slovaks; (*b*) in Hungary, of the 5,313 public and district notaries there are 4,637 Magyars, 191 Germans, and only 38 Slovaks.

5. Judges and counsels of the crown: (*a*) In Slovakia, 461 Magyars, 3 Germans, no Slovak: (*b*) in Hungary, of the 3,093 judges and counsels of the crown, 2,801 Magyars, 31 Germans, 1 Slovak (in the Pest Pilis district).

6. Subordinate officials of courts, crown counsels, and of houses of detention: (*a*) In Slovakia, 805 Magyars, 13 Germans, 10 Slovaks; (*b*) in Hungary, of the 5,113 of subordinate officials of courts, crown counsels and houses of detention, there are 4,756 Magyars, 129 Germans, and only 16 Slovaks.

7. Primary school teachers, elementary classes: (*a*) In Slovakia, 4, 257 Magyars, 129 Germans, 345 Slovaks. While the Slovak population amounts to 76 per cent of the whole population, only 7 per cent of the teachers were Slovaks. (*b*) In Hungary, of the 23,384 primary school teachers, there are 18,480 Magyars, 992 Germans, and only 404 Slovaks.

8. Higher primary men school teachers and teachers of higher classes of primary schools: (*a*) In Slovakia, 226 Magyars, 4 Germans, 2 Roumanians, and not a single Slovak; (*b*) in Hungary, of the total of 1,334 higher primary school teachers and of

teachers of primary schools (higher classes) there are 1,268 Magyars, 35 Germans, and only 2 Slovaks.

9. Women higher primary school teachers and women teachers of higher classes in primary schools: (*a*) In Slovakia, 199 Magyars, 12 Germans, 1 Slovak; (*b*) in Hungary, of the total of 1,436 women school teachers there are 1,338 Magyars, 57 Germans, 1 Slovak.

10. Secondary (high) school professors: (*a*) In Slovakia, 638 Magyars, 12 Germans, 10 Slovaks; (*b*) in Hungary, of the total of 3,843 professors there are 3,518 Magyars, 169 Germans, 23 Slovaks.

11. Physicians: (*a*) In Slovakia, 713 Magyars, 57 Germans, 26 Slovaks; (*b*) in Hungary, of the total of 5,514 physicians there are 4,914 Magyars, 312 Germans, and only 35 Slovaks.

REMARK.—In Slovakia almost 76 per cent of the population speak Slovak; only 24 per cent speak Magyar.

In the whole of Hungary there are but 43.2 per cent of real Magyars (in 1851 there proportion was 36.5 per cent); while 14.8 per cent of the population of Hungary are Czecho-Slovaks.

The American representatives of the medieval militaristic and reactionary Magyar oligarchy which once ruled Hungary and still dreams of returning to power, and which is made up of Magyar magnates, the nobility of the country, who would seem to be somewhat out of place in a modern democracy, have been loudly declaiming about the dangers that threaten Magyar Protestants if these should be placed outside of the devoted and pious care and protection of this noble ruling clique. It was this same ruling clique of Magyar junkers, who, probably impelled by a powerful Christian charity, used to flog their farm hands, empowered thereto by the warrant of law, which they solicitously put on the statute books which they kindly managed for the common people. In this instance they, of course, did not consult the wishes of the farm hands.

This ruling clique and its agents need not worry about religious toleration in the Czecho-Slovak Republic. The Czecho-Slovak nation, which was the cradle and the champion of Protestantism in central Europe 100 years before the advent of Luther and until they lost their liberty in 1621, which began at Prague the struggle for liberty of conscience, which gave the world a Huss and a Comenius, which gave rise to the Church of the Unity (the Moravians), hardly needs any lessons in toleration from the compatriots of Bela Kun. For the information of Magyar propagandists let it be noted here that one of the first acts of the government of the Czecho-Slovak Republic was the publication of an edict affirming the freedom of religious worship.

Yet it is consoling to note that the old Magyar oligarchy and its agents seem to possess some solicitation about religion. Considering their many crimes during the war and before it, and their sin-laden souls, it is a hopeful sign for the future.

Considering all the foregoing there is but one conclusion at which we can arrive: It requires an immense amount of brazenness on the part of any propaganda committee to try to convince your honorable committee and the American public that the Slovak people are entirely satisfied with Magyar misrule and tyranny, and that it is your duty to intervene on behalf of tyrants, returning the Slovak people, who have shed their blood for their freedom and for ours, into their former bondage. We believe in the wisdom, in the keen discernment, in the love of truth and righteousness of the American people and their representatives in the Senate of the United States, and know that the cause of a free and resurrected Czechoslovakia is safe in your hands.

Respectfully submitted.

VEN SVARC.

WASHINGTON, D. C., September 5, 1919.

Senator KNOX. Mr. Chairman, I have a communication here which I received from Mr. Frederick McCormick. The communication is addressed to you and to the Committee on Foreign Relations. Mr. Frederick McCormick was for many years the Associated Press representative in Japan, and he is the author of quite an important book on Oriental politics entitled, "The Menace of Japan." He desires the privilege of filing this in connection with the Shantung matter.

The CHAIRMAN. If there is no objection that will be done.

(There was no objection, and the matter referred to is here printed in full, as follows:)

STATEMENT OF MR. FREDERICK MCCORMICK IN REGARD TO SHANTUNG.

SANTA MONICA, CALIF., *August 29, 1919.*

Senator LODGE and the COMMITTEE ON FOREIGN RELATIONS:

In 1905 America mediated between Russia and Japan to end a war over China and Korea, and brought about the Portsmouth treaty of peace.

Immediately, Japan undertook destruction of a policy and place in the world which gave us the power of such far-reaching decision in what so vitally affected her.

In the decision Japan lost claims for indemnity and exacted secret terms from Russia by which she acquired joint claims of administration in Manchuria, This opened to her easy expansion into, and conquest of China, and gave her a policy and doctrine of special right vitally opposed to our own.

Our own was the only thing in the way. It was the doctrine of the open door formulated by John Hay. It expressed the safe international position of China, and the future of America as head and front of Western civilization moving westward and sustaining for Western civilization the impact of Asiatic in the Pacific.

This doctrine having been accepted by Europe, Japan began her work of destroying it by undermining its adherents, and bringing them to her side.

England was Japan's ally in East Asia, and France and Russia became allies in Europe.

England then reached an understanding with Russia, and by 1908 all treaties with, and about China, though containing the formula which safeguarded China and made our place in the world had failed and were powerless to give peace and safety to China and protection to rights and interests of others. Thereby it became necessary to bring the situation of our policy before the world.

England and France appeared to misunderstand our aim, and at first resented our summons which was contained in a demand in 1909, to England, France, and Germany, to restore rights which they had seized from us in writing the Hukuang loan. But our course was in keeping with their pledges to support our policy for the peace and safety of China, and we were able with their renewed help, to create a base from which to resist the dissolution and destruction of our policy and of the safeguards to China, set up by Japan.

Russia was the first to capitulate to Japan. Her position was the weakest because she had been vanquished in war with Japan, who joined and threatened her borders. Intimidated by Japan, she gave a nominal pledge recognizing community of Russia's hitherto exclusive rights in Manchuria, with Japan. Thus Japan was able to claim right of administration in Manchuria. It gave her a share of sovereign power there granted by China to Russia in the secret Article VI of the Chinese Eastern Railway convention of 1896.

Japan then foiled us in measures to neutralize railways in Manchuria, and Russia, still further intimidated, signed with Japan a predatory pact to maintain the status quo of aggression which we were trying to supplant with justice under the open door doctrine. It opposed and revised the Portsmouth treaty, and Japan moved into inner Mongolia.

Our efforts to restore China's full administrative power and sovereignty and protect her territorial integrity and rights of all, went on parallel with Japan's efforts at destruction. It was 1910, and in her agreement with Russia, Japan selected for its consummation the calendar date of July 4.

America employed heroic and praiseworthy means to retain the support of the European powers to our policy which they had adhered to by written pledge for at least 10 years. England and France accepted our measures. We united the great powers behind the Hukuang, Manchurian, and currency loans for China's industrial development and reform. And August, 1912, Russia and Japan joined in the currency and reorganization loan, which made it the six-power loan.

Our responsibilities in our defense against Asia and Europe in the Pacific, and in the defense of China and Asiatic civilization, were met in these plans and acts. They were successful, and the powers of Europe, which were willing to continue their adherence to them, as now exemplified in the six-power loan, only waited to see whether we were sincere and earnest in order to decide between us and Japan.

March 18, 1913, the President withdraw from these responsibilities, and from responsibility to the great powers and to China in what we had done, by repudiating the six-power loan which again had placed the world on common ground respecting China.

On receiving this rebuff, the European powers went over to Japan. The arbitrament of the world's most vital affairs was balanced in Manchuria. The alignment of the powers in the World War had been made in China and the Pacific area. The action of the President confirmed them in their alignment. Japan's conquest of the European powers and winning of them to her side was completed.

In three years the European powers which had adhered to a position which we had defended for 129 years, and to which they had been pledged in writing for 12 years, had awarded Shantung and the German North Pacific possessions to Japan, not troubling to inform us of the fact. It was in sequence to events planned by Japan and had been deprecated by English, French, German, and Russian statesmen who desired to support our position instead of that of Japan. It was a conquest over America, it remains so, and the President asks us to ratify it.

As it existed at the beginning of 1913, our reconstructed position in China and the Pacific to meet the movement set up by Japan because of the Portsmouth Treaty was destroyed by the President. War ensued, with demoralization in China through lack of foreign money and through China being obliged to quadruple her borrowings from Japan. And after four years of struggle by China, and the most bitter failure and disappointment, our envoy to China, on his own initiative, but approved by the Government, sent a note of friendly counsel to China in her despair. It was in accord with immemorial right and intercourse with China antedating Japan's civilized relations with China and her civilized place in the world by nearly 100 years. Japan openly resented the action and protested on the ground of interference in her domain. Open conflict was thereby established by Japan which she, backed by her allies ,had kept hidden, even since the President repudiated the six-power loan which had united us.

Two interpretations of the act of our envoy to China exist: One American, one Japanese. They are directly opposed. They established Japan in the cours adoptd aftr the Prsident's repudiation of the six-power loan, namely, in disputing whatever we do in defense of the position against which aJpan opposes her own. And Japan followed her protest with a special mission to America under Ishii to set up her interpretation before her European allies against our own.

Japan did this last in the Ishii-Lansing notes, and to such satisfaction that those allies, after awarding to Japan Shantung and the German North Pacific possessions, confirmed it in their drafts of the peace treaty 18 months later.

Japan's exertions stirred the counsels of the President, which took action intended to meet the consequences of what our envoy to China had done. It was taken on the expressed grounds that "unless we are prepared to oppose Japan, and go on antagonizing her, we must do something constructive." It had become our policy to try and placate Japan by putting it that way instead of facing the truth.

The reasons given for our action were that "we had to decide whether we would be China's cat's-paw, or get on with Japan."

"We" decided to "get on with Japan." The moral sanction for what was about to be done, forming the principle on which the Ishii-Lansing notes were executed by us, was that China was "corrupt and irresponsible," and was "a festering mass of humanity."

The friendly note of our envoy was handed to China June, 1917. Japan immediately brought up the question of sending Ishii, and his mission was arranged through our embassy in Tokio. As I understand that arrangement, what was to be done was determined in advance. All conversations that were to take place in Washington after Ishii's arrival there were written out. It was decided in advance that the real object of the mission, which was to get recognition from us of Japan's special interests in China, would not be discussed. If it came up the answer to Japan's expectations would be no.

The Department of State confirmed this decision to our embassy in Tokio. Thereupon Ishii stated to our embassy that he would not expect to get recognition of Japan's special interests in China, and the embassy cabled this renunciation to the Department of State.

Ishii started for Washington and Mr. Morris was invested in Washington as our ambassador to Japan. Morris participated at Washington in the discussions and completion of the coming Ishii-Lansing notes, while Ishii was enroute from Japan. The notes were signed while he was enroute to Tokio and he did not know what they meant until after he had reached Tokio. His knowledge gained in Washington differed diametrically from the knowledge of Europe and east Asia, including our embassy in Tokio which held a conference when it received the notes by cable, to determine what they meant. The conference lasted all night and broke down in total disagreement, Morris on one side and the embassy staff on the other. A decision as to what explanation should be made to the public never was arrived at.

After two days Lansing's interpretation came and saved the embassy from having to equivocate about it.

The notes meant the opposite of what our Government, in instructing Morris, said they meant. They achieved the opposite of what our Government purposed. America was discredited before China and the allies. And Japan and America again went on record with interpretations which are diametrically opposed.

The President then undertook personal management at the peace conference of these affairs, whereupon England and France wrote out for Japan their final drafts of the award to Japan of Shantung and the German North Pacific possessions. The President then signed this award, and England, and France, with the co-operation of Italy and the other allies, handed Japan the award with our signature on it. It was the authors of the repudiation of the reconstructive measures in China, and the framers for Ishii in the terms of Japan, of the Lansing notes, who signed this award.

Having taken action on the decision not to be the catspaw of China, we made ourselves the tool of Japan, and through Japan the tool of England, France and the allies.

England and France did not want to be so. In 1913 they had said they were sorry to lose us from the confidence and the counsels of the powers, especially England, whose statesmen said she desired to work with us.

Thus Japan was able in 14 years to destroy our diplomacy. It had been defended respecting China and the Pacific area since 1784. But in 1913 the President opened the way for Japan to finally accomplish its destruction, in these words repudiating the Six-Power Loan, namely:

"The conditions of the loan seem to us to touch very nearly the administrative independence of China itself; and the administration does not feel that it ought, even by implication, to be party to those conditions. The responsibility might go the length of forcible interference in the financial and even the political affairs of that great oriental state. The responsibility is obnoxious to the principles upon which the Government of our people rests."

Neither at the time of this statement, nor at any time in our history had the conditions of China's position or intercourse with her, rested on the principles on which the Government of our people rests. And they rested on not less than 46 treaties fixing China's position and fate as we had written them in accordance with the demands of Europe and the allies of the time, since at least 1784, and could not be affected except for evil by this act.

China's position in the world was first explicitly and definitely fixed by the American treaty of 1844. The terms of this treaty were the best obtainable at the time, but their supreme law was extraterritoriality under which China became deprived of independence in everything connected with foreign intercourse. As these terms were the terms of all nations and were copied and expanded in all treaties and conventions, this made China's place that of a prisoner whose indefinite period of sentence we had formulated.

After 55 years John Hay reformulated the terms of China's place so as to secure to her a way to emerge from her prison. All nations accepted the formula, which was the open-door doctrine, and wrote it in subsequent treaties and conventions respecting China.

We thus raised into international being a policy consciously and unconsciously pursued and practiced by us in principle since 1784, and recognized in writing by the world since 1899-1900. It was thus our first great foreign doctrine, and in this sense is older than the Monroe doctrine. The circumstances of its origin, and the civilization and situation to which it refers are older, and the problem to which it refers is older.

In 1909 we devised new formulas to safeguard China's way out of her prison and to secure her escape from the sentence which we had written.

They were accepted by the powers. But in the work of six years, regardless of the aversion the President expressed to even forcible interference in China's affairs, he signed in the Shantung award, the rending of China and destruction of all we had done to preserve our position.

Up to 1913 the powers were with us. When the President rebuffed those powers by repudiating the instrument by which they had again finally joined with us, he sent new envoys to represent us in China and Japan.

Our envoy to Tokio was Mr. Guthrie. He reached there the middle of the year and began the search for a book that would explain the questions of the region which was the strangest he had ever seen. He looked for "a small book, not a large one," because, as he continued, he was "too old to read a large one."

Four years later he died while still searching for that book, and his body was tenderly borne back to us by a people which venerated his personal greatness, as well as the simplicity and innocence which had made him the unconscious dupe of such a tragic gaucherie.

Our envoy to China was Mr. Reinsch. After six years of cross purposes, blunders which never have been exposed because too disgraceful to investigate during a state of war; and after insufferable insult and humiliation, failure, defeat, and madness, he has resigned.

Both these men were appointed after the act by which our destructive policy became known, and they went on fools' errands. Their survivor is Ambassador Morris, at Tokio, on whom all East Asia, including China, Japan, Korea, and Siberia, is saddled, and who ranges from the Pacific to Central Asia and Europe. Mr. Guthrie left him no book, and he has been for two years heroically struggling under the misunderstanding with which the Government blinded him when he set out from Washington. He, too, is overwhelmed with the defeat and is trying to extricate himself from the madness and ruin.

The only refuge for a country which has enacted such a debacle as I have described, and intends to complete it by compelling the ratification of that debacle by its great Senate, is a league of other nations who can manage its affairs better than it can manage them. If in one single instance, the Shantung award, the peace treaty is ratified by the Senate of the United States, two principal things will result: First will come our elimination from East Asia through abandonment of our place in the world for an elusive status promised us, and second, there will take place the rending of the vast race unit which is the body of Asiatic civilization, and the setting of it adrift in the Pacific area and the world, engined by Japan.

Our position in the world differs from that of the rest of civilization. It is comparable only to the position which, as pretender to leadership of an opposing civilization, Japan, marshalling Europe against us, usurps and holds by force. Therefore we cannot enter the peace treaty, in my opinion, or the league of nations, on the same terms as the powers of Europe. To do so would destroy our place in the world. We have to enter them, if at all, on terms that will defend us as the leader and the head and front of western civilization moving across the Pacific Ocean, and defend all interests intrusted to us by western civilization and by Asiatic civilization, of which China is the body.

The considerations which I have respectfully submitted concern only our international entity and what we are in the world by circumstances over which we have no control, which, if surrendered, would complete the work of destruction which Japan openly began, with every confidence of success, in 1905. The head of the column of western civilization, receiving the impact and hitherto sustaining the pressure of aggressive and predatory Asiatic civilization, would be crushed. And there would be no occasion to invoice our physical assets in East Asia gone down, or of our moral and cultural influences which are greater than those of any other power. After the destruction of our moral position, there is but one end. And in it civilization will share.

The CHAIRMAN. We will adjourn at this point until to-morrow.

(Thereupon, at 12 o'clock noon, the committee adjourned until 10 o'clock a. m., Thursday, September 4, 1919.)

THURSDAY, SEPTEMBER 4, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met pursuant to adjournment, at 10 o'clock a. m., in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), Brandegee, Knox, Harding, Moses, Swanson, and Pomerene.

There appeared before the committee the following delegation representing the Jugo-Slav Republican Alliance of the United States: Mr. Etbin Kristan, chairman; Mr. Frank Kerze, Mr. Philip Godina, Mr. Lazarovich-Hrebelianovich, Mr. R. F. Hlacha, Mr. Josif Michailovitch, and A. H. Skubic, secretary.

The CHAIRMAN. Gentlemen, our time is limited. I had hoped that you would get here to begin at 10 o'clock, but we can give you from now until 12 o'clock. You must divide the time between yourselves as you think best.

STATEMENT OF MR. ETBIN KRISTAN, OF CHICAGO, ILL.

Senator BRANDEGEE. Let me ask you, have you arranged now about the division of your time? How long do you want to talk?

Mr. KRISTAN. It will take about 20 minutes.

The CHAIRMAN. Very well; proceed.

Mr. KRISTAN. Gentlemen, the delegation of the Jugo-Slav Republican Alliance takes the liberty to express its deep gratitude for the privilege of a hearing before this honorable body, and for the permission to lay before it the aspirations of the Jugo-Slavs regarding the regulation of the boundaries of this new State, and based upon, what we consider, the right of our race.

Gentlemen, the Jugo-Slav State, called also the State of the Serbs, Croats, and Slovenes is a new formation and a product of this great war which has removed many obstacles obstructing the unification of the southern Slavs. The idea of unity lived in their souls for ages, and, long before this war, great men of our Nation sacrificed their best for the promotion of this idea, the realization of which is the inevitable condition for our existence and for a more successful progress.

The greatest barrier to the unification of the Jugo-Slavs was the former Austro-Hungarian monarchy, under whose democratic rule the majority of all the three branches of Jugo-Slavs was subdued, and whose policy tended to subject under her rule the remaining inde-

pendent Jugo-Slavs of Serbia and Montenegro. For the Jugo-Slavs the collapse of the Austrian autocracy was imperative to attain conditions for establishing their own home, and for this very reason the Jugo-Slavs stood, since the first day of the world conflagration against their oppressor and extortioner, offering supreme sacrifices for their cause, which was also the cause of the Allies and their associated nations. Numerous documents prove that Austria was conscious of the sentiments of the Slovenes, Croats, and Serbs, who were persecuted and oppressed with all means of autocratic brutality; who were forcibly driven out of their homes, held behind prison bars, and silenced by bullets and rope. To-day it is also a proven fact that the power of the Hapsburg dynasty and her servile government, as well as the power and might of the Austrian militarism, was shattered chiefly by the stubborn resistance of the Jugo-Slavs and other oppressed nations.

Now the war is over and a new map of Europe is in making. This work of readjustment filled the Jugo-Slavs with hope for a just solution of their national question; the strongest guaranty therefor they saw in the famous declarations of the President of the United States of America, regarding the war aims of our great American nation. There is not a single word in those speeches and proclamations, which the Jugo-Slavs had not enthusiastically approved of, and if the peace were concluded according to those principles, all the national aspirations of the Jugo-Slavs would have been fulfilled.

It is extremely regretful that the actual solution of the European and world questions falls short of the ideal, especially where the Jugo-Slavs were the most concerned, the Paris peace conference did not place itself on a basis of justice, but often rather listened to arguments which truly democratic elements thought were destroyed in the blast of the world conflagration and their ashes buried forever.

For a long period Europe was troubled with racial questions, retarding her progress in other fields; Austria especially was a warning example of a community, wherein reaction lived on kindling nationalistic passions. Everyone familiar with Europe, especially with the Near East and central Europe, had to consider the solution of the problems of nationality as one of the most important questions, especially the question of readjustment; because, by doing so, the most serious obstacle to the successful efforts of the nations would be removed from the field of political, economical, and cultural life. Unfortunately this aim is not being considered, but, on the contrary, many decisions were made which do not eliminate those complications, but rather increase them, to the detriment of the nations in their interior life and to the detriment of better international relations.

The disregard of the ethnological principle, the importance of which is immense all over Europe, is especially obvious in the decision regarding the frontiers of the Jugo-Slav State. On the boundaries between Jugo-Slavs and Magyars in former Hungary, and on the boundaries between Jugo-Slavs and Germans in former Austria, especially in Carinthia, the former have been wronged, and there is an undercurrent striving at still more reducing their national territory.

At this moment there are many other unsettled questions concerning Jugo-Slav territory. But visible signs point to a great danger for the Jugo-Slavs along the Adriatic littoral, where the vital interests of the nation are at stake. Italy bases her claim on the

secret treaty of London, made at the time of her entry into the war, and on alleged interests, detected since then, by demanding big parts of the territory, which ought by all rights to belong solely to Jugo-Slavia. For this reason a dispute arose between these two nations, about which the public is inadequately informed. It looks like the whole dispute had been reduced to the Fiume question, while in fact the city of Fiume and her port are only a single point of the whole problem, though a very important one in itself, but not so important as to becloud all other interests of the Jugo-Slavs, shoving them into oblivion.

Everything Italy demands on the Eastern shores of the Adriatic is to the detriment of the Jugo-Slavs, and were the Italian demands granted, about 600,000 Jugo-Slavs would be cut off from their nation and subjected to a foreign rule. We do not deny that there are some Italians living in the eastern coast land, but even if the maximum demands of the Jugo-Slavs be granted there won't be within their borders as many Italians as there are Serbs, Croats, and Slovenes in a single city—Trieste—now claimed by the Italians as their own.

The national statistics of the Adriatic Provinces show:

Trieste: Italians, 118,959; Slovenes, 59,974; Germans, 11,870; total, 190,808.

Goriska (Gorizia) with Gradiska: Slovenes, 155,039; Italians, 90,119; Germans, 4,500; total, 249,658. (NOTE.—The former Austrian Province Goriska with Gradiska embraced also the Italian Friuli, the territory west of River Isonzo. Leaving this Italian Friuli out, the population of the rest of the Province is purely Slovene.)

Istria: Jugo-Slavs (Slovenes and Croats), 224,400; Italians, 145,517; Germans, 12,735; total, 382,652. (The Italian population of the Istrian peninsula is concentrated in the cities along the western coast of the peninsula.)

Occupied regions of Carniola: Slovenes, 140,000; Italians, none.

Fiume with Sushak and Trsat: Estimated population, 64,000; of these are 24,000 Italians, 34,000 Croats (Jugo-Slavs), and 6,000 others.

Dalmatia: Serbo-Croats, 612,669; Italians, 18,082; Germans, 3,081; total, 633,778. (The Archipelago has, Serbo-Croats, 116,227; Italians, 1,563; a total of 117,790.)

The population according to the above census stands in the disputed regions as follows:

Jugo-Slavs, 1,225,640; Italians, 396,737; others, 38,186.

It will be necessary to remark that the official census in these Provinces was taken under the supervision of the Austrian administration, very inimical to the Jugo-Slavs. The method of taking census was very original. The Austrian Government was loathsome to have ascertained the real status of its nationalities, because this would compromise its Germanizing ambitions. And because it was not well possible to stamp all the inhabitants as Germans, the census was not taken as to their nationality but according to the colloquial language (Umgangssprache). This, of course, offered an opportunity for far-reaching falsifications of the real status. The victim of this system were above all the Slavs, and to a greater extent the Jugo-Slavs, the officialdom in their Provinces being professedly mostly German, respectively, in the coast-land Provinces, Italian.

And even if this fact could not be taken into consideration and if the Austrian official statistics were considered as just to the Jugo-Slavs, it can not be denied that the Adriatic regions along the eastern coast are nationally Jugo-Slav, for the Jugo-Slav majority is comparing to Italian minority so strong that an Italian character of these Provinces could not be construed by any artifice. Italy can not demand these regions on account of their Italian character, because they lack such a character. Therefore, she is trying to support her ambitions with other arguments, taken from the storehouse of obsolete State doctrines, which can not command any value in these days of democracy.

There is before all the so-called historical argument. But history, as applied by the advocates of Italian ambitions to their defense, is very doubtful. It may be sufficient to remember that modern Italy dates back to the year of 1859 only, that she, therefore, could not logically point to her possessions in the eleventh or thirteenth centuries, when there did not exist a State known as Italy. Yet, if it could be said that Italy is the heiress of the former Venetian Republic, her demands even then would not be justified, or at least not until it is proven that possessions of the former Venetian Republic were justly acquired according to modern principles of right. Such a proof is entirely impossible, because the national principle of so powerful vitality in modern Europe did not play any part in the conquests of the Middle Ages; regions conquered by Venice of yore were not Italian and did not become Italian after the annexation. Besides, it does not matter what character a country had five or six hundred years ago, but what character it has to-day.

The Italian statesmen specify also certain strategic reasons. In this connection it is to be said that Austria—of which Italy had perhaps a reason to be afraid so as to ask special protection against her—is no more. A strategic importance is further attributed borders demanded by Italian diplomats at Paris. Their importance is open to question, however. The most natural geographic, strategic as well as linguistic frontier between Italy and Jugo-Slavia would be the River Isonzo. It seems also that the great changes brought about in the war technics have been forgotten altogether, and that no stress is laid upon how rivers, mountains, and other natural barriers lost their value since the war strategy and tactics are making the use of modern technical appliances of which no one dreamt a short while ago.

But if the possessions of the Alps could really guarantee the safety to Italy—although they do not—the obvious question arises whether also Jugo-Slavia does not need the same safeguarding. What Italy calls her safety, means danger for Jugo-Slavia. And Jugo-Slavia's fear of Italy would be much more justified, sooner comprehensible, than Italy's fear of Jugo-Slavia. It is plain that Italy desires to become the absolute mistress of the Adriatic. It is revealed by her ambition to get all the northern ports in her hands and to make herself secure also in Albania, thus acquiring the absolute control of the Adriatic Sea. Now, the sea is an important and a great natural way of communication and its importance is at present foremost a commercial one. For Italy to have any material benefit from her annexations, she must needs try to get under her control as much commerce of the Adriatic as possible. This again

awakens the desire for new annexations in the Balkans. The first step on this peninsula can not be the last. This in turn shows that there will be no peace in the Balkans, that Europe will be a living volcano, constantly endangering the peace of the world. The blood of the victims of the Great War would have been then shed in vain.

The Jugo-Slavs long for a just decision of their national question; they desire this problem to disappear from the world, because they yearn to devote their energies to other tasks—in their own interests, as well as in the interest of the international solidarity. The establishment of their own home puts them before an enormous task. The national unity can not be their last aim, and is, indeed, a step only toward a new life. The nation is confronted with great difficulties, which can be overcome only with the greatest of effort. Remember, please, gentlemen, this war showed no more mercy to Jugo-Slavia than to Belgium or northern France, and many regions were hit even much harder, because the Austrian Government treated the domestic population more brutally than the enemy. The economic conditions of the country are very critical. A united national body is to be constructed from pieces, until now divided up under different rules, aiming to estrange them still more against each other. The educational system must be improved, for it was neglected, partly through the hate of the foreign Governments and partly through the everlasting struggles. A new life must be given the terribly hurt agriculture; industry must be lifted to a higher standard; commerce must be set in order. But how can a fatigued and exhausted country perform all these tasks if there is no feeling of safety and if a large portion of the nation remains outside of the border, continually looking up to her for national help and support?

But even from the Italian standpoint it would not be wise to press the annexation of a conspicuous part of a foreign element. Until now, Italy was free from internal national struggles, which have brought every European State enormous harm; the fulfillment of her imperialistic aims would overburden her with the same problem which caused the death of Austria. A Jugo-Slav irredenta would inevitably develop within her borders, disturbing the domestic peace of Italy, provoking reprisals and reacting on them in the way of all oppressed populations. The Jugo-Slavs are experienced in such struggles from old Austria, which they tried to get rid of in order to be free, but not to land after the first stroke of the liberty bell under a new yoke.

The saddest is the fate which, on account of the Italian aspirations, looms before the Slovenes. Although they belong to the Jugo-Slav race and desire to be united with it, a peculiar Slovene language developed through the political separation, lasting many centuries, and even were it feasible to expect from the future that all Jugo-Slav dialects would eventually melt into one language, such a process can not be attained in a day or so. For some time to come we must reckon with the existence of an independent Slovene language and literature. There is only one million and a half of Slovenes who came to their present abodes in the sixth century and soon became the prey of foreign rule, doomed for over a thousand years to a life without any national schools, without their own official institutions and courts—in short, without anything where their language would be acknowledged and officially used. Not-

withstanding this fact and in spite of all oppression of the feudal and, later, of the pseudoconstitutional period, this little nation preserved its nationality and language and developed a remarkable literature. And now the Italian aspirations aim to cut off almost one-third of this nation's body and cast it in a situation which would be much more desperate than under the Austrian misrule, where it was at least ethnologically united. It is hard to comprehend what difficulties a small nation had to go through in order to stand abreast of other larger and happier nations in the field of culture. How can it live culturally if, as small as it is, the nation were reduced to 1,000,000 souls; if one-third of its best forces be simply taken away from it?

Italy is not reaching only for regions racially more or less mixed, but demands the most purely Slovene and Croat regions, which never had any Italian population, and which never even politically belonged to Italy, or States of which Italy claims to be heiress. Why, her aspirations reach even far into the Province of Carniola, the nucleus of the whole Slovenia. And what the population of these Provinces could expect, if annexed, we can see from the way the occupied territories are treated by the Italian Army, although those regions are not yet Italy's property. The people and inhabitants were deported, many national leaders were arrested, taken to Italy and interned because of their national conviction; national schools are being closed, Slavic children in their own country are forced to attend Italian schools.

The Jugo-Slavs are not looking for enmity with Italy. In the past history friendship existed between these two nations. The Italian culture was the nearest to the Jugo-Slavs and they have given to the Italian nation a good number of cultural workers, writers, scientists, etc. For the future they do not wish anything else but good, mutual relations, and to have this, good will on both parts and mutual trust are necessary, which can arise and exist on the basis of justice only.

Therefore, the Jugo-Slavs claim justice. For it is of greater strength than all strategical frontiers.

The Jugo-Slavs desire the possibilities for such a confidence. Was not this war fought for right and justice, for democracy and for the afe ty of small nations? Did not Italy, when our great United States, without egotistic aims, without an inkling of longing for any material gain, entered into this whirlwind, hear the ideal aims, for which the United States offered their sons and treasures? Did not all who accepted the unselfish help of America, silently accept also her war aims and ideals? Everything, what America aimed to do and all unfortunate nations were believing in, were publicly told. This must have more weight than all secret treaties arrived at without the knowledge and consent of the rest of the world, without even knowledge and consent of the peoples bartered away as mere chattels in a game.

It is believable that the Governments, subscribing to these pacts, did not know the actual conditions of the regions in the bargain. But everybody knew that the President of the United States of America had proclaimed that no nation, no matter how small, shall be forced to live under a rule for which it does not care; that the nations shall not be the pawns of a diplomatic game, and that they

shall not be bartered away from one sovereignty to another and that all truly justified aspirations be fulfilled.

All this the Jugo-Slavs heard, and believed it all. For these ideals they offered supreme sacrifices. For these ideals the Jugo-Slavs residing in the United States of America joined the American Army as volunteers and enthusiastically and loyally supported the Government. They've done their bit nobly. And now they come before you, gentlemen, pleading to preserve for them the faith in these ideals. If the foundation of this faith be shaken, a great structure will crumble and the souls of the nations will lose the support they so badly need.

This faith of the Jugo-Slavs has been badly shaken, still they did not lose it and they long that some one may strengthen their faith anew. The Jugo-Slavs ask only justice for themselves.

We did not come with the intention of imposing our views upon this honorable committee and have no ax to grind.

Gentlemen, pray, let us express our thoughts as dictated by the innermost feeling of a downtrodden nation: Our people will know no limit of gratitude toward those willing to help our sorely tried nation to defend its natural and God-given rights and to save it from an injustice, which may punish not only our nation, but may perhaps, revenge itself on the whole of Europe, and very likely, on the whole civilized world.

Immeasurable shall be our gratitude toward all who are helping us in our nation's fierce struggle for justice and liberty. We are not asking for anything else. Justice is our ardent wish.

Gentlemen, we thank you in the name of our people, here and abroad, for having granted this delegation the opportunity of presenting a word in our nation's behalf before your honorable committee in this exalted place.

Gentlemen, I respectfully submit this statement in the name of this delegation of the Jugo-Slav Republican Alliance, consisting of the following: Etbin Kristan, chairman; Frank Kerze, Philip Godina, Lazarovich Hrebelianovich, R. F. Hlacha, Josif Michailovitch, and A. H. Skubic, secretary.

The CHAIRMAN. May I ask you a question? I understand your people do not desire to unite with Serbia in the Serbian Monarchy.

Mr. KRISTAN. Oh, yes; we want unity with Serbia and Montenegro.

The CHAIRMAN. You do?

Mr. KRISTAN. We do.

The CHAIRMAN. I wanted to be sure about that.

Mr. SALVATORE A. COTILLO. Mr. Chairman, if it will not interfere with the procedure of this committee I should like to ask the speaker what is the population of Fiume?

The CHAIRMAN. The Italians will have their hearing to-morrow.

Mr. COTILLO. I wanted to be informed about that.

The CHAIRMAN. They will have their hearing to-morrow. Then, I understand, Mr. Kristan, that you are speaking for the so-called Serbian Monarchy?

Mr. KRISTAN. No; we are representing the Jugo-Slav Republican Alliance, an organization of Jugo-Slavs in the United States.

The CHAIRMAN. I understand that, but do they wish to unite with Serbia and Montenegro and have one State, or do they wish an independent republic of their own?

Mr. KRISTAN. We wish unity with Serbia and Montenegro, only we wish the American form of government applied to our State also.

The CHAIRMAN. Instead of a monarchy with Serbia?

Mr. KRISTAN. Yes.

The CHAIRMAN. That is all. We will hear the next speaker.

STATEMENT OF MR. R. F. HLACHA.

Mr. HLACHA. Mr. Chairman and gentlemen, I am, and have been, a great friend and enthusiastic supporter of better relations between Italy and Jugo-Slavia, because such friendly relations are in the interest of both. I am happy to call your attention to the views of a distinguished Italian Liberal. The Italian Liberals show that the spirit of Modina and of Garibaldi is still alive in Italy. I was quite sure of this all the time, but my friend, Mr. Lazarovich-Hrebelianovich, wrote a letter to a personal friend of a person very high up in the Italian Government, one of the highest ones, and he received a letter from one of the Italian Liberals which might interest you very much. Now, Messrs. Maronelli and Salvemini have written a book entitled "La Questione dell' Adriatica"—the question of the Adriatic—and I wish in the short time which I have to address you to call attention to some of the statements of Mr. Maronelli in this book. On page 2 of the introduction he says:

We have always stated that Italy ought to renounce her claims to the Slav territories which do not represent for her any vital interest, not because the "renunciation" would be an end to itself but because it is a necessary means for the establishment of an intimate Italo-Slav solidarity in order to win the war and to assure peace.

On page 11 he says:

Whoever, without prejudice and without arrogance, puts himself upon the bottom of common sense and equity must recognize that not only in the interest of the local population, not only for the military necessities of Italy, but for the future peace of anti-German Europe, the only reasonable solution which can be given to the problem of Julian Venezia is the following:

(*a*) The aggregation of Julian Venezia to Italy with that inland boundary which, awarding to Italy to the east the least possible extension of Slav territory, would create the necessary territorial continuity between Gorizia and Pola, and give a satisfactory line of military defense.

(*b*) Right of free commercial and customs transit to all the inhabitants of the hinterland through the harbors of Trieste.

On page 62, on the subject of the question of Fiume, he says:

To exact the annexation to Italy of Fiume and therefore of all the territory surrounding it and dividing it from Istria, with no more than 100,000 Slavs, is a true national injustice.

On page 74, still on the question of Fiume, under the head of "Conclusions," he says:

Neither for military reasons nor in order to insure the liberty of culture and life to the Italian element of Fiume, nor in order to protect the legitimate interests of the harbor of Trieste, is the political annexation to Italy of the Liburnia necessary. On the opposite, this annexation would cause to Italy very grave difficulties for the administration of a region which is Slav in its overwhelming majority; and because it is the only fit outlet which the 2,500,000 Slavs living in Croatia have toward the Adriatic; it would be a permanent cause of hostility between Italy and Croatia, without any necessity or advantage for Italy, to the whole profit of Germany's policy.

The only reasonable program which can be to-day proposed to Italy as to Julian Venezia, is always that of 1866; among all possible boundaries to prefer that one which assured the necessary defense of the national territory, may introduce in this territory the least possible number of Slavs.

On the question of Dalmatia in presenting his conclusions he says:

1. Every conquest which Italy would perform upon the Dalmatian continent, would represent for us not a military strengthening but a military weakening.
2. Italy has to demand the disarmament of the entire Jugo-Slav coast.
3. In order to guarantee to us the rule of the sea and the security of the coasts, indicates that the disarmament of the Jugo-Slav coast would not be maintained, some outlying islands of the Dalmatian Archipelago are sufficient to us.

On page 119, in summing up his conclusions, he says:

The conquest of Dalmatia would be detrimental, not profitable, commercially, to Italy.

Again, on page 253, he says:

The program of the Dalmatian conquest has driven its supporters to conceive this war as a war directed rather against the Jogo-Slavia of to-morrow than against the Austria of to-day. This is the explanation of the sustained campaign made by the nationalists in order to make believe in Italy and in the allied and neutral countries that the Croats and Slovenes were all pro-Austrians and as Catholics, enemies of the Serbs, who are orthodox.

To tell the truth, everybody who had even a superficial information about things Jugo-Slav knew very well that this was a purely Austrian theory. There is, on the contrary, since many years, in all the Serbo-Croat countries, a wide movement striving at the elimination of the damages caused by the religious struggles, and this movement in which participate the Serbs of all parties and the liberal Croats against the so-called party of the Croatian Right, clerical and pro-Austrian, headed by Dr. Franck—this movement * * * has always triumphed in Croatia, notwithstanding the Hungarian terrorism.

On page 260 he says:

The Dalmatian campaign has been launched in Italy by pro-Austrian clericals, by pro-German Giolittianians, by brainless nationalists, and local irredentists.

It has increased the difficulties of our war and aroused against us suspicion and the hostility of all allied and neutral countries.

The conquest of Dalmatia, if it come true, would impel us in the after-war period to a continuous policy of repression and perfidy against the great majority of the population. It would expose us to the international damage of being hated by the whole world, as Austria was; it would drive the southern Slavs to an alliance against us with Germany whether they succeed or do not succeed in organizing a national unity.

And on page 229 he says:

And when we saw on our front the Slavs fighting desperately against us, instead of surrendering in mass, as they have often done on the Russian front and on the Serbian front, our fanatics of Slavophoby—sincere and insincere—drew therefrom new arguments in order to envenom the Slavophobe campaign and to give to Austria new journalistic documents to be translated and circulated among the Slav soldiers and to incite them against Italy. How many Italian soldiers have not been killed not by the Austrian arms, but by the Slavophobe campaign of the Cippico, Tamaro, Dudan, Copola, who in the meantime were snugly making war against the Slavs from the trenches of Rome, Paris, and Stockholm?

Gentlemen, I have read these extracts in order to show that our question can be settled on a liberal basis to the profit of both nations.

Senator KNOX. Were the Jugo-Slavs heard before the peace conference in Paris?

Mr. HLACHA. They sent a delegation of Jugo-Slavs, but I do not think they came very much in contact with the Big Five.

Senator MOSES. Who is the author of the book from which you have read these extracts?

Mr. HLACHA. Mr. Maronelli.

Senator MOSES. Who is he?

Mr. HLACHA. He is a professor in the university in Florence.

Senator MOSES. Who was the high personage, the high official whom you mentioned?

Mr. HLACHA. I could not tell you that, but he was one of the highest ones. I do not feel at liberty to mention his name.

Senator MOSES. An officer of the Italian Government?

Mr. HLACHA. Yes; a very high official.

Mr. LAZAROVICH-HREBELIANOVICH. Mr. Chairman, I wrote a letter about eight weeks ago to a personal friend of mine who had been years ago foreign minister of the Italian Government, with whom I had dealings in regard to Balkan affairs, I having been then at the head of the Mediterranean committee. On this occasion he was again in a very high position, and had a leading part in representing Italy, and so I put to him our point of view by letter. A week ago I received a letter accompanied by a few lines from a mutual friend, who is the leader of a wing of the Liberal Party in the Italian Parliament. Gentlemen of the Senate Committee on Foreign Relations, the question before the peace conference is not a matter of local——

The CHAIRMAN. Has this witness given his name?

Mr. LAZAROVICH-HREBELIANOVICH. Yes.

Senator KNOX. Where do you reside?

Mr. LAZAROVICH-HREBELIANOVICH. I reside in New York, sir.

Senator KNOX. Are you an American citizen?

Mr. LAZAROVICH-HREBELIANOVICH. No, I am not an American citizen. I am a Slav.

The CHAIRMAN. I think, under the rule, we can not hear you.

Senator KNOX. No.

The CHAIRMAN. The committee has declined to hear anybody who is not an American citizen. I am sorry.

Mr. LAZAROVICH-HREBELIANOVICH. I am sorry, sir.

STATEMENT OF MR. A. H. SKUBIC.

Mr. SKUBIC. I wish to state before I go any further that I am a citizen of the United States and served in the Army of the United States.

Senator KNOX. Where do you reside?

Mr. SKUBIC. I reside in the city of Chicago, Ill.

There has been quite a propaganda going on in this country that the Jugo-Slavs will, according to the London treaty, have all kinds of ports and good ports on the Adriatic. This is not so. We have seen maps that were circulated all over the country, in the press and one way and another, which show that Jugo-Slavia would have a railroad connection with the ports on the Croatian and Dalmatian coasts. There is a small railroad between Spalato, Sibenik, and Knin. The road acts in connection with the inland.

The ports that could serve Jugo-Slavia would be Trieste and Fiume. Why? Because all the railroad connections lead to these two ports and the other ports on the Adriatic coast. On the Dalmatian coast they have no railroad connections with the exception of that little narrow-gauge road that I have mentioned before.

Senator SWANSON. What would prevent that narrow-gauge road being made into a large road?

Mr. SKUBIC. The thing is this: That this road is only built up to Knin, and the Dinaric Mountains that come all along the coast there are so steep that there is no way of building any railroads, and even Austria, who needed railroads in this country for her strategic and military reasons, could not build those railroads.

Senator SWANSON. It is impossible to build any other large railroads and have any other large centers on the entire coast?

Mr. SKUBIC. I do not think is it impossible. I believe that if Americans were there they could tunnel those mountains and come through. Of course, whatever Americans attempt to do they carry out. I think so, but out there you must figure on this, that Jugo-Slavia is in a very critical financial condition. Jugo-Slavia is almost bankrupt.

Now, here is a map showing the railroads as they are, showing the narrow-gauge road, and showing the standard guage. This map shows that all the roads lead to Fiume or Trieste or Salonika or the Ægean Sea, but there is none that would lead to the Adriatic coast as near as the top of Dalmatia. Take for instance, the Slovine country, Caniola, Goriska, Istra, Carinthia, and Styria. They have a railroad at Lubljana. That is the center of Slavonia. From there it takes three hours for a freight train to get down to Fiume, or probably four hours to Trieste. Now, should the Jugo-Slavs lose Fiume or Trieste, do you know how long, gentlemen, it would take to send a load of goods down, for instance, to any of the Adriatic ports? This freight would have to go from Lubljana down to Zagreb, and down to Brod. This would take 24 hours, gentlemen, for that car to get from Lubljana to Brod.

Senator BRANDEGEE. What is this distance in miles?

Mr. SKUBIC. I really can not tell, but it is about 200 kilometers, or something like that, 150 miles. Now, from Brod, when the goods arrive there, they would have to be all unloaded and reloaded on the narrow-guage road. That narrow gauge is only that wide [indicating]. Only about six or seven people can sit in one of those Pullman cars, if you call them that. And after these goods were reloaded, from Brod they would have to be taken down to Spalato or Sibenik, which is another 24 hours, so from Lubljana to the Adriatic it would take 48 hours. But if Jugo-Slavia had Trieste or Fiume, it would take only 3 hours.

Now, gentlemen, that shows that Jugo-Slavia has got to have Fiume because there is no other port that has any railroad connection with the inland, with the exception of that narrow-gauge road.

Now, when we talk about nationalities, there are Slavs or Slovenians and Croats and Italians there. They are mixed, west of the Isonzo River, and on the western coast of the peninsular of Istra. According to the London treaty, Italy demands that all of the land running almost on the eastern border of the Province of Gorizka as fas as Idria, where is a world-known mercury mine. They take that in, then they go on within a cannon shot of Lubljana, a pure Slovenic city, which we expect to have for the capital of our enormous state of Slavonia, a Jugo-Slavic State, and which runs down and takes the Adlesberger Grotto—most likely many of you have heard of it; it is a famous grotto, much larger than the one in Kentucky. And then the line runs down to the Snaebra or Snow Mountains.

From this line west for 150 to 200 kilometers there is nothing but Slovenes and Croats. There are hardly any Italians to speak of in this territory that Italy claims.

Senator BRANDEGEE. I do not know as I understand your claim. What disposition do you want made of Fiume other than that which was made by the peace conference, Mr. Skubic?

Mr. SKUBIC. Gentlemen, I really do not know what disposition was made of Fiume. That was not certain.

Senator BRANDEGEE. That has been discussed. If it is given to Jugo-Slavia, you are satisfied, are you not? If the peace conference gives Fiume to Jugo-Slavia you are satisfied, are you not?

Mr. SKUBIC. You mean to Jugo-Slavia?

Senator BRANDEGEE. Yes.

Mr. SKUBIC. We will be satisfied with that decision as far as Fiume is concerned, of course, because we really think that the Italian inhabitants in the city of Fiume are only a small island in Jugo-Slav territory, which is a fact. I have a little map here which shows that all around Fiume and even within the city proper, there are Jugo-Slavs. And then for miles and miles around there are Croats and Slovenes and Serbs.

We claim that Fiume, from an economic standpoint, gentlemen, ought to belong to Jugo-Slavia. There ought to be no hankering about it. Why? Take for instance the city of New York. We have a pretty big Italian population up there. What would we Americans say if any country should come and say "We want New York just because our population is Italian. We want this part of it." I know the Americans would not do that, and I know another thing that the Americans would never consent if any other nation came to this country and said to the State of California, "We want your San Francisco, and we want your port. You have got a whole lot of ports upon the Atlantic, in New York, and since you are a part of the United States it is immaterial to you where you get your port." But we are all looking to something else. We know that San Francisco belongs to California, and we know that the city of Fiume belongs to the Jugo-Slavs.

Senator HARDING. Are you also asking for Trieste?

Mr. SKUBIC. Why we are not asking that it should be ours because we think the city of Trieste ought to be internationalized. That is in conformity with the wish of the people of the city of Trieste. There has been a whole lot of propaganda going on that the city of Trieste wants to join her mother country, but this is not so. The chamber of commerce of the city of Trieste, a body of business men, of Italian nationality, are against Trieste being taken under the Italian rule. They are against it. What they want is to form a little district of their own, and to come under international rule. Of course, we Slovenes, have got pretty close to 60,000 men in the city of Trieste and the whole vicinity is Slovenic.

Then again you probably heard the first speaker read the statistics of the population in Goriska and Istra. I would leave that to the men themselves. The Italian population of Goriska, with Gradisca, on the west side of the river Isonzo, we call that Italian, and we Slovenes never ask for that, and I do not think we ever did go on record that we demanded the provinces of Goriska and Gradisca up to the Austro-Italian border. Of course not. Of course we know that west of the river Isonzo there is of course a predominance of Italian population, and we are not asking for that part, although in that Italian part we have a large Slovenic population. But we know that since Italy went to war on the side of the Allies, it will be favored, so we know that if there are any favors to be given, they will be given to Italy. So therefore we are not making any demands for any of this Italian territory.

Not only that, but on the coast line to the peninsula of Istria—that is, the western part of it—there are quite a few towns. There are, for instance, Capo d'Istria, Novi Grad, Porec, and Rovin. These cities have a population running from 10,000 to 50,000. These cities are, so to speak, little nests situated on the western shores of this peninsula, and that is where the Italian population is concentrated. You go 5 kilometers or 4 miles from the shore away from these little cities and towns and you will find nothing but Croats; that is, a branch of the Jugo-Slavs. So if we take the population of these cities and compare it with the census, and also the population west of the river Isonzo, we will find that the Province of Gradisca, and also Istra, all the way from the River Isonzo east, and all the way from Trieste down, that narrow strip is purely Jugo-Slav, and, if that territory was given to the Jugo-Slavs, you would not find as many Italians as there would be Slovenes, Croats, and Serbs in the city of Trieste, providing that Italy gets Trieste, which she claims is hers now.

Now, gentlemen, it is nothing but fair that I emphasize this point that one branch of the Jugo-Slavs, the Slovenes, have probably only one and a half million. It is a small nation that came to these parts of the country, where they live now. Six or seven hundred years ago they came here and as soon as they settled grabbed for the plow. Foreign rule got there and had them enslaved for nearly a thousand years. They were slaves right. This little nation was for nearly a thousand years without any national schools, without any books, without national courts. If they called a poor farmer, he would come to court and could not speak anything but his own language, and there he was questioned in the German language. But in spite of all this oppression and enslavement our little nation preserved its nationality and preserved it well.

In the year 1800, during the time of the Napoleonic war, I do not believe there were any Slovenic books. But to-day we can say that there are only 7 per cent of the Slovenes that can not read or write.

Now, gentlemen, this is a pretty good percentage which shows that this little nation is muscular, has the will, and can not be stricken dead or erased off the face of the earth.

Senator BRANDEGEE. When you speak about their being slaves, you do not mean that they were really slaves?

Mr. SKUBIC. Up to 1848 there was the feudal period. At that time they were nothing but common slaves, working for the landlords, and so forth. They were the feudal tenants, but in fact, as a nation, they were enslaved.

Senator BRANDEGEE. During this feudal period did they get any pay for their work?

Mr. SKUBIC. They got very little, barely their existence. That is all. But in 1848—that is the time when Austria had need of the help of the Slovenes and Jugo-Slavs, when she was threatened with a great upheaval, and the fight which struck her just now during this war, then she gave a few their constitutional rights, which the old Emperor Joseph ignored.

Senator BRANDEGEE. What differentiates a Slovene from a Slovak?

Mr. SKUBIC. A Slovene, let me explain—probably it would interest you to have me explain the word "Jugo-Slav."

Senator BRANDEGEE. That means southern Slav?

Mr. SKUBIC. That means southern Slav. Now the southern Slavs live on the Balkans. The Balkan Slavs are Slovenes. The northwestern branch take the northwestern part of the Balkans, then come the Croatians—they are the Slovenes' neighbors—then come the Serbs, and of course then there are the Bulgars, who are Jugo-Slavs.

Senator BRANDEGEE. Can they understand each other—speak the same general language?

Mr. SKUBIC. They can. There is only a little difference between the dialect of the Croats and the Bulgars. Practically we can understand one another well, and can talk and read their books, one thing and another.

Senator MOSES. Anybody knowing the Serbian tongue can talk to you?

Mr. SKUBIC. Yes.

Senator BRANDEGEE. Is the print the same as English letters?

Mr. SKUBIC. The Slavs and the Croats use the Latin letter; the Serbs have had the Cyrilic, but most of the Serbs also use the Latin letter.

The CHAIRMAN. You do not consider the Bulgars pure Slavs, do you?

Mr. SKUBIC. We really do not figure on them having anything to do with the case. Our program is to make a central republic on the order of the United States, so that Slovenia will have their autonomy and the Croats will have theirs, the Slavs theirs, and the Montenegrins theirs.

Senator BRANDEGEE. Do the Bulgars have Slavic blood in them?

Mr. SKUBIC. They have. It has even been stated that the Greeks centuries ago were Slavs.

Now the question is, as I started out to say, whether Jugo-Slavia will get from a commercial standpoint Fiume and the country northwest of Fiume, which is apparently Jugo-Slav, and I think that the argument and the reasons are in favor of Jugo-Slavia's case. There is no other way of getting out of it, to settle the question as it ought to be settled, namely, that a port that serves one country ought to belong to that country, and if the Jugo-Slavs are shoved off the coast, that means commercial death for them. But they want to live. They want to have commercial relations with other people, and the sea is the only feasible and the cheapest way of getting in touch with other countries. Now, we do not want anybody to come and lock up the Adriatic. We do not want to lock it up ourselves. If we should get the city of Fiume or Trieste, we do not care to lock them up to other nations, because we think that justice demands that those who have no access to the sea should have a way to come down to the sea.

We are only asking for justice, gentlemen, and I think that justice ought to be given us. I thank you.

The CHAIRMAN. Is there anyone else who desires to be heard. You have 15 minutes more if you want.

STATEMENT OF MR. FRANK KERZE.

The CHAIRMAN. Where do you live?
Mr. KERZE. Chicago, Ill.
The CHAIRMAN. You are an American citizen?
Mr. KERZE. Yes, sir; for the last 10 years.
Senator BRANDEGEE. What nationality were you before?
Mr. KERZE. A Slovenian.
Senator KNOX. What is your occupation, please?
Mr. KERZE. I am editor and publisher of the Slovenian Review.

Gentlemen of the committee, I will not be able to explain the whole position, but I would like to make clear just a few questions.

We do not want to interfere with the affairs of this great Republic. The most of the Jugo-Slavs who came to this country will stay in this country, because there is but one America. But our duty was, when that great historical opportunity came that the Jugo-Slavs should be heard for the first time, to state our case. Before this great war was started we knew very well about Central America, we knew about the 3,000 of the Eskimos, but the great majority of the world's intelligence did not know anything about the Jugo-Slavs. Why? Because it was in the interest of Austria-Hungary and Germany that the Jugo-Slavs be shown as barbarians to the rest of the world, so that Germany and Austria one day could take their armies and Germanize on their way to the east.

Gentlemen, Jugo-Slavia, or at least some parts of it, has been in history never free. Now is a great historical moment, and we are here living in this country, working for this country, but still we feel that they are our brothers. We feel that the great historical moment is here when we come to speak before the public for the independence, for the liberty of the Jugo-Slav nation.

Gentlemen, we have here the statistics that clearly show that the majority of the land claimed by Italy belongs to Jugo-Slavia; but, gentlemen, I want to be just. It is impossible that we should require from everybody that they would study the local conditions of such a small strip of land, where we are used to count by millions and hundreds of millions; but I would suggest that the small nation feels an injustice just as much as the great one, and justice is not the privilege of the great nation. Injustice does not hurt only a big nation, but it hurts everybody, and we are here to ask for our brothers in the old country nothing but what is just. There are differences about the Istrians and about the Gorizians. Those countries would be very well satisfied to be under a commission so long as the parties who live there, the Jugo-Slavs and Italians, would be satisfied; but that is a question for the people of the nationalities who live there, not for the diplomats at Paris. No matter how they decide it I do not think that anybody would be satisfied. Both parties would be satisfied only one way, so that the agreement would be made by both parties, every party given some of this and some of that, and I hope that an understanding could be reached anyhow.

Gentlemen, we thank you very much for the first great opportunity on the part of the Jugo-Slavs, especially the Slovenes and Croats, to appear before such an honorable body as this committee of the United States Senate.

Senator KNOX. This treaty created a Jugo-Slav State?

Mr. KERZE. Yes.

Senator KNOX. I think we should get it more clearly in our minds in what respect that State, as created by the treaty, is unsatisfactory.

Mr. KERZE. Not only by the Adriatic question but by other questions.

Senator KNOX. That is what I want to get at.

Mr. KERZE. By the boundary on the north. That is a question that is at issue.

Senator KNOX. That is the Fiume question?

Mr. KERZE. Not only the Fiume question, but about 600,000 Slovenes, there. I think Fiume was taken purposely only to get peoples' thoughts away from more important questions.

Senator KNOX. I think it is very essential to our proper understanding of your cause, if it is not already in one of these documents that you have already prepared, that you should submit a document showing in just what respect the Jugo-Slav State created by the treaty is unsatisfactory to the Jugo-Slavs, and have a definite, specific issue before us.

Mr. KERZE. We have prepared for this honorable body a statistical map which gives you this idea as clearly as possible. This map was made according to the Austrians' statistics which we have only from 1910.

Senator SWANSON. You oppose, as I understand, giving to Italy Dalmatia, and other ports on the Adriatic, according to the secret treaty of London?

Mr. KERZE. Yes, sir.

Senator SWANSON. Do you object to Fiume being internationalized?

Mr. KERZE. Gentlemen, what would be a hinterland without a seaport?

Senator SWANSON. If it is internationalized you could make another seaport.

Mr. KERZE. A seaport is not built in one or two years. It is a work of many years, and the whole land behind makes sacrifices to build those seaports up.

The CHAIRMAN. The secret treaty of London gave Croatia to the Jugo-Slavs.

Senator SWANSON. Yes; and I understand it gave a part of the coast of Dalmatia and the other coast to Italy.

Mr. KERZE. Yes, sir.

Senator SWANSON. You are not satisfied with the London treaty and are not satisfied with Fiume being made an international port, there?

Mr. KERZE. No, sir; I am not satisfied with that secret treaty.

Senator SWANSON. As Senator Knox says, what is it, specifically, that you want different from what has been decided?

Mr. KERZE. It is, specifically, this. We want everything that belongs to us, and we will give everything that does not belong to us.

Senator SWANSON. What belongs to you? That is what we are trying to find out.

Mr. KERZE. As the map will show you, there are parts where there are fewer Jugo-Slavs, where there are not one-half of 1 per cent of Italians, and still Italy claims that, for strategical reasons, she must have those Jugo-Slavs.

Senator BRANDEGEE. Does your map show the boundaries of Jugo-Slavia the way the treaty defines them, and also the way you would like to have them?

Mr. KERZE. No, it does not show that.

Senator BRANDEGEE. Can you, after this hearing closes, mark on your map here the territory you would like to take in, and also what you think is justly due to you?

Mr. KERZE. Well, the most natural boundary would be—what we want is everything that is marked Jugo-Slav land [indicating on map].

Senator BRANDEGEE. In blue?

Mr. KERZE. Yes.

Senator BRANDEGEE. All right.

Senator HARDING. You said that these lines you did not want established by two or three diplomats. How do you propose that they should be established?

Mr. KERZE. I propose that they should be made between the territory where the Italians and the Jugo-Slavs are, and only the land that belongs to the city, because a city without lands can not exist; and those lands should be put under an international committee, and have the parties who are to be satisfied find a way of solution. They will find it, certainly, in the end.

Senator HARDING. Do you want to leave it to a league of nations to determine?

Mr. KERZE. Well, gentlemen, the league of nations is another question. I think the league of nations as the result of the peace conference was not the very best.

Senator HARDING. What I was trying to get at was just how you would have it decided. Do you want the intervention of the Senate in deciding this disposition of territory? Do you want it left to a plebiscite in the territory concerned?

Mr. KERZE. No.

Senator HARDING. Do you want a reconsideration by the peace conference? You are expressing your wishes to this committee. Precisely how do you want this undertaking in behalf of your brothers in Europe undertaken?

Mr. KERZE. Well, any way which would help to justice. A plebiscite would be the best way. If we take the boundaries of the old Austria, the boundaries which the London treaty claims, we are satisfied that a plebiscite be taken in those lands.

Senator POMERENE. How would you define the question so as to submit it to a plebiscite?

Mr. KERZE. The question? Well, the plebiscite would be under a neutral Government. The best Government in the world, there is no question about it, is the United States Government. We are entirely willing to submit our questions to this Government.

The CHAIRMAN. Now, on the north of Jugo-Slavia, how about the Hungarian boundary? You know we have had the Hungarians here and they have protested most vigorously that we have given all the relief to Jugo-Slavia.

Mr. KERZE. Well, I guess either of the nations which is directly or indirectly interested in this peace would be dissatisfied. The Hungarians are dissatisfied and the Jugo-Slavs are the same.

The CHAIRMAN. By "Hungarians" I mean the Magyars.

Mr. KERZE. The Magyars; yes, sir. We have quite a good population in Hungary; but Hungary, there, before the war was a great nationalistic state. There was no language allowed but the Hungarian. We had some Slovenes there, and it was not permitted to us to use our language in the schools or in the courts, or any place.

The CHAIRMAN. Have you anything further to add? That is al unless you wish to say something further.

Mr. KERZE. I thank you, gentlemen. I guess that I am through.

The CHAIRMAN. Is there anybody else who wants to say anything? You have five minutes left.

STATEMENT OF PHILIP GODINA.

Mr. GODINA. I am a naturalized citizen of the United States, living in the State of Indiana, Marion County, city of Indianapolis: at present living in Chicago. I am not a well educated man. I just happen to have been born in those occupied territories, and I simply feel, as an American citizen, as I have some relatives there—of course I have no intention to get anything there, or anything like that; I am intending to live here, but I say, gentlemen, it is absolutely wrong. I came from close to Trieste. I was born 4 or 5 miles from there and raised there, living there until I was 22 years old before I came to the United States. Personally, I can tell you the way it looks now, if they are going to let it go this way, absolutely it means a new war. The people of Jugo-Slavia, as stated by previous speakers here, will never give up; or, before they will give up they will have a great grudge against all parties concerned in it.

I feel, as an American citizen, also, that I would like to help if I can, and as this opportunity has been given to me here before this honorable committee I wish to appeal to you, gentlemen, if there is any way possible, to help solve this problem for the benefit of this oppressed nation over there, and also for the benefit of the whole of Europe; and also, I feel, for the benefit of the United States in the future. Perhaps it may involve us some way or other so that we will have to send some more of our boys over there, as it was laid down here by different speakers, to help out, to solve this problem; so that in the future we will have no such brutality of wars as we have now; so that at least all this warfare and the bloodshed in this war would not be in vain.

I wish to state, gentlemen, that my opinion is—and it is not my opinion only but the opinion of at least, I should say, about 750,000 Jugo-Slavs living in this country, those that are citizens and those that are not citizens—that the matter the way it stands at present is very wrong, and we feel also that the United States will help, whatever is in its power. We have tried our best to explain the position. I am very glad that you gave us a chance to come before you, and I thank you very much in the name of all the Slovenes and others throughout the United States, citizens, and members of this alliance.

The CHAIRMAN. The hour of 12 having arrived, it is necessary to close the hearing. The Italians are to be heard to-morrow at 10 o'clock in this room, and that will be the last hearing; there will be no more public hearings of this character.

There will be an executive meeting of the committee in the Capitol, in the room of the Foreign Relations Committee, at 3 o'clock this afternoon.

(Thereupon, at 12 o'clock m., the committee adjourned until to-morrow, Friday, September 5, 1919, at 10 o'clock a. m.)

FRIDAY, SEPTEMBER 5, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to adjournment, at 10 o'clock a. m., in room 426, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), Knox, Harding, Moses, and Swanson.

The CHAIRMAN. As our time is short, we will begin. Representative LaGuardia has an engagement which requires his going away, and as he desires to speak for only a few minutes we will hear him.

STATEMENT OF HON. FIORELLO H. LaGUARDIA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK.

Mr. LAGUARDIA. Mr. Chairman, I want to give the committee and the Senate the benefit of any information which I may have with reference to Fiume. I lived there for a period of three years, when I was American consular agent at that port.

Senator MOSES. When was that?

Mr. LAGUARDIA. That was from 1904 to 1906, I served as acting consular agent for a year before that. I was there three years.

The CHAIRMAN. Were you born in this country?

Mr. LAGUARDIA. Certainly. I was born in my own congressional district, and raised in Arizona.

The CHAIRMAN. That is what I thought.

Mr. LAGUARDIA. I am personally acquainted with the majority of the men who now form the National Council of Fiume. I was intimately associated with Mr. Zanella, who was a refugee living in Italy during the war, while I was there in the American Army.

I want to point out to the committee that the people of Fiume are Italian in spirit, blood, language, and in every way. They were an independent body, known as a corpus separatum, and annexed to Hungary. They made their own laws. Their municipal government consisted of two legislative bodies and a mayor, and they sent one deputy to the Hungarian Government.

The CHAIRMAN. They sent one deputy to the Hungarian Parliament?

Mr. LAGUARDIA. They sent one deputy to the Hungarian Parliament.

The CHAIRMAN. And he was an Italian?

Mr. LAGUARDIA. He was an Italian during my stay there. Zanella was the deputy during my time, and he was followed by Vio. I think the present deputy is Ossoinack, and I think Zanella's predecessor was a man by the name of Meylander.

The language of the municipality of Fiume is Italian. The two chambers of the municipal government conduct all their proceedings in Italian. The language of the port is Italian. The language of the municipal court is Italian. The city of Fiume maintains its own

schools, which are entirely Italian, and the same is true with the academy for the merchant marine. It is true that in the suburb of Fiume, called Sussak, the greater portion of the population are Croatians. I believe that the President is of the belief that the Fiume question can be settled by taking in Sussak with it as one port. Even to that there is no objection, because the spirit of the port of Fiume, including Sussak, would be Italian.

I do not know what claims the Croatians may set forth as to Fiume. I want to testify to the very fine fighting qualities of the Croatians. They fought hard to the last hour of the last day of the war. I know that, because I fought against them.

When we were in Paris with the Committee on Military Affairs of the House of Representatives we called on the President. It was just at the time of the Italian break, and he expressed his views on Fiume. I know he fears that if Fiume should be annexed to Italy the Italians would sacrifice the port of Fiume to the interests of Trieste. I do not believe any such fears are justified, because the existence of Fiume depends upon its commerce. It is connected with Hungary by one line of railway and all of its business is a port business exclusively. There are no industries there, or there is very little industry. There is no room for building industries of any kind, so that its very existence depends upon its business as a port.

Senator MOSES. As a matter of fact the development of the port of Fiume at present depends upon the activities of the Cunard Steamship Co. very largely, does it not? Unless the Cunard Steamship Co. transfer their terminus to Trieste, Fiume will go right on as the great port that it has been?

Mr. LAGUARDIA. The Cunard Steamship Co. during my time and ever since have run a line from Fiume to New York; but the bulk of the Fiume traffic was maintained by the Adria Steamship Co., which ran to the west.

Senator MOSES. The Austrian line took the eastbound traffic?

Mr. LAGUARDIA. The Austrian line took the eastbound traffic and the Adria line took the traffic to the west.

Senator MOSES Then there is also a line which runs to Cattaro—the Croatian line?

Mr. LAGUARDIA. Yes. That is the coast line. Fiume is the natural port to the near east, and the traffic of Fiume will be maintained.

Now I want to point out that I do not believe that the Serbo-Croatian-Slovene kingdom can last. They are not in harmony. The Serbians are divided among themselves. A large portion of the Serbian people do not want to continue to cast their destiny with the Karajeorovic dynasty. The Serbians are fighting with the Montenegrins. The Croatians want a republican form of government and not a kingdom, so that to turn Fiume over to the Jugo-Slavs would be only adding more territory to the continuous strife and struggle which is bound to occur in the Balkans until that situation is fully cleared up.

Another thing I want to point out is this, that it is not so much the claims of Italy to Fiume as it is the desire and will of the natives of Fiume to be liberated from the Hapsburgs; to get away from Hungary and Croatia and Austria: to establish their own in-

dependent form of government and to be annexed to Italy. It is their claim which appeals to me more than anything else.

In February, 1918, while we were down in Italy training, I had occasion to endeavor to interpret point nine of the fourteen points. In wartime one tries to do anything. The morale in Italy was somewhat low, and they did not have much confidence in just what the point nine meant. That was the point which promised to readjust the boundaries of Italy according to easily recognizable lines of nationality.

Senator MOSES. Were you able to interpret that point satisfactorily?

Mr. LAGUARDIA. As I said before, Senafor, in war time you will do almost anything, you just have to do it; and so in order to keep up the morale of the people I embraced everything that really was Italian in the Adriatic, and told them that that took it in. So I am somewhat concerned personally in this, to that extent.

Senator MOSES. You now want your word made good.

Mr. LAGUARDIA. I want my word made good. I feel somewhat embarrassed.

I have here a telegram which I would like to put into the record. It is from Chevalier Barsotti, of the Progresso, in which he quotes a telegram just received from Paris which purports to say that the Fiume situation is solved, depending upon the approval of the President, and I will put this into the record.

(The telegram referred to is here printed in the record as follows:)

[Western Union telegram.]

NEW YORK, N. Y., *June 12.*

Congressman LAGUARDIA,
House of Representatives, Washington, D. C.

I quote from our Paris correspondent the following points of one of to-day's cables. "Tittoni returned from Deauville where met George to discuss Fiume problem. From reliable source, I learn Tittoni is satisfied attitude George who promised solicit Wilson take definite decision about Fiume. In fact, Tittoni returned without any concrete solution problem and that disocurages Italian circles Paris where they realize because of the mechanism of the conference Italian aspirations must depend on Wilson discretion whose ideas and decisions are well known. They despair the solution Italian problem is near and foresee serious consequences. Best regards."

CAV BARSOTTI,
Editor Il Progresso Italo Americano.

The CHAIRMAN. What is the nature of that solution?

Mr. LAGUARDIA. I do not know what it is, Senator. When I was in Paris—I believe I can tell this—you recall at the time the Italian delegation had gone away, they had left Minister Crespi, whom I knew very well. He was food controller when I was at the Italian front. I called on him and asked him if there was anything I could do, and I also called on Col. House. Col. House was very sympathetic toward the Fiume question, and when I left there—I think it was the 9th of May, I was of the belief that the question of Fiume would be satisfactory settled in this way: Fiume and Sussak would be considered as the port of Fiume, that would constitute an independent government and be annexed to Italy, with guaranties of free passage for traffic from the Hinterland to and from the port, a free port in every sense of the word. Then Italy would

give up certain of the Greek Islands, I understand, and the cities of Zara and Sebeonico would be free cities. I think that is what the Tardeau compromise provided, and that, as you know, after having been agreed upon was again bluepenciled by the President, which offended the Italians again, so that the matter remained unsettled. Now it seems they have arrived at another compromise, which is subject to approval here in Washington.

The CHAIRMAN. Anything more?

Mr. LAGUARDIA. No. I want to give the committee the rest of the time.

Senator HARDING. Just what do you mean by "approval here in Washington?"

Mr. LAGUARDIA. From press dispatches, I gather, and from the telegram which I read into the record, it seems that France, Italy, and England have agreed on this solution and it has been submitted to President Wilson for approval.

Senator HARDING. Not to our American commissioners over there?

Mr. LAGUARDIA. No. That is what I gather from the press and from this telegram.

Mr. COTILLO. I wish to introduce Prof. Alexander Oldrini, an American citizen, representing the Italo-Irredentist Society.

The CHAIRMAN. What is your name?

Mr. COTILLO. S. A. Cotillo, State Senator from New York, representing the Eighteenth district.

The CHAIRMAN. In the Senate?

Mr. COTILLO. In the Senate.

STATEMENT OF PROF. ALEXANDER OLDRINI, PRESIDENT OF THE ITALIAN IRREDENTIST ASSOCIATIONS OF AMERICA.

Mr. OLDRINI. Mr. Chairman, for myself, as an American citizen of Italian descent, my colleagues also American citizens, and the Federazione of the Italian Irredentists Association of the United States, I beg to thank you for the honor and the privilege afforded us to state at this hearing before your committee the main reasons, facts, and rights for which Fiume and Dalmatia, a part of Italy's national aspirations, should be defended by the United States Senate of America with regard to that part of the treaty with Austria which governs the subject. That is, why should Fiume and Dalmatia become a part of the Italian body politic?

The name of the city of Fiume, a little speck on the map of Europe is an advance sentinel of democratic civilization in contact with the influences of central, eastern, and southern Europe; it assumes a transcendent importance with regard to Italians and to the democratic Latin and Anglo-Saxon nations in the conflict now going on, and extending, of the Bolshevik leveling program of Slav-Russia and associates.

For a basical understanding of the Fiume self-determination in its relation with the Italian aspirations in the Adriatic it is paramount to call first your attention to the physical lines of the defense of democratic civilization in Europe itself.

The line of defense of Roman civilization has been for 500 years along the Rhine and the Danube. When that immense dam broke,

Latin civilization foundered with the jus gentium proclaimed by Rome, almost to its disappearance for centuries, until a new scientific and Italian civilizing power spread over Europe and the world, in the splendors of the renaissance of arts and the discoveries of science. Never more so humanly perfect collective expressions of it, as in the name of Gallileus, Leonald, Raphael, Michael Angelo, and Columbus, the giants of "Renaissance."

Now, passing from the fifteenth century to the twentieth, during which this second Latin civilization spread all over Europe, reaching America, we have arrived at the necessity of a new form of civilization, international in character, over and above conflicting social theories. Honorable Senators, it is still in Europe that this new form of civilization must be defended by Latin and Anglo-Saxon democracy against militarism and Bolshevism theories and might. And this time no more behind the Rhine and the Danube, but from the Northern Sea to the Rhine, and from the Rhine along the watershed of the Alps from Switzerland to Retia, Carnic, Julian, Velebit, and Dinaric Alps until you reach Albania. Should the United States of America allow it to be pierced at any point, should you allow the Adriatic line from Fiume, the apex of the defense—that is, the eastern pillar of the new dam—to be undermined by visionary conceptions of an instant or future possible Wilsonian European Arcadia, it is my opinion that democratic civilization would suffer at the hands of turbulent eastern and southern Slav elements right now, viz, before they could polarize into orderly democratic States.

Fiume and Dalmatia in the vast reorganization and rejuvenation of political Europe assume, therefore, a position of immediate consistency of paramount value. Not only for the city itself or even for Italy but in the broadest sense for civilization.

Coming to Fiume herself these facts are already known to you, first, that in the first fortnight of October, 1918, upon a proclamation of the then Austrian Emperor, every one of the Crown lands of the empire was admitted to self-determination. Fiume, a separate political body in the dual monarchy, declared then before the Hungarian Parliament, through her deputy, the Hon. Andrea Oissnack, her independence. And October 29, that is before the final victory of the Italian armies and the foundering of the dual monarchy as such, the city of Fiume by popular vote proclaimed through the organization of its present national council not only political independence but also her self-determination to join the Italian motherland, putting herself temporarily under the protection of the American democracy.

The cablegram addressed to your committee by the National Council of Fiume, the only authority elected and recognized by the Fiumeans, and read by you, Mr. Chairman, on the floor of the Senate, is a document that we American citizens beg to submit to the Senate under its rules that this and other documents which will be submitted may properly come under the consideration of the Senate in the discussion of that part of the treaty with Austria which will affect Fiume and Dalmatia.

I purposely avoid any reference to the first part of the treaty to Austria and to anything that may have happened or shall happen at the peace conference in Paris, only aiming capitally to furnish

in a summary form the main reasons underlying Fiume's unmistakable self-determination, as follows:

Geographical reasons, historical reasons, ethnographic and philological reasons, economic and commercial reasons, and political reasons.

Geographical reasons.—The city of Fiume is situated at the eastern base of the peninsula of Istraia, a part of continental Italy. It is located within the Julian Alps, between Mount Nevoso and the Velebit Massif, forming the pass of Fiume, which, if not under immediate Italian control, is an easy gate of invasion. Two barbarian invasions, in fact, of grand style have forced in 410 and 943 A. D. their destructive Hun masses into the very heart of Italy. Hence Fiume, according to her location, is within the orographic Alpine boundaries of the Italian Peninsula, covering in her suzerainty 10,000 square miles.

In speaking of the geographic location of the city of Fiume it is, perhaps, useful to state at once the existence of the city of Sussak, a suburb on the left shore of the stream Fiumara, a confluent of the River Eneo, because her Slav majority has been used by an Austrian imperial statistician—and but yesterday before you by the Slavs of the south—with a view to swell the number of Slavs in Fiume's statistics.

I shall speak of population and statistics later on, but it is useful to state at once that Sussak only about 30 years ago was a small village, where the Italian language was prevalent, that has been since 1866 colonized by Slav elements under the activities of Vienna, as was the ancient Italian cities of Dalmatia herself, in order to denationalize them all.

Historical reasons.—Three hundred years before Christ the first Romans occupied the section which is now that of Fiume, at the head of the Adriatic, and fortified it with strategic walls, the ruins of which are still excellent, indicating that since those days the strategic importance of what was afterwards the Oppidum of Tarsatica.

It is due to the municipal or communal organisms of Roma body politic that Latin civilization did not disappear under Hun, Slav, and Mongol invasions into Italy when the military dam of the empire, the Rhine and the Danube, gave way under their masses and might.

Fiume emerges in the thirteenth century, after the destruction, when invasions in Italy were diminishing in the form of a free Italian municipality or commune, to remain such to our own days. Inflexibly, immutably, although passing in the course of centuries under different influences and rules; the Franks, the princely patriarchs, bishops, archbishops of feudalism, until in 1471 she fell under the hegemony of the House of Hapsburg.

In 1530 Fiume, that had status of her own, received additional ones, that is, two councils presided over by two judges (Duumviri) and a caesarian captain. Thus, chosen from the leading citizens of Fiume and put under oath to respect the municipal statutes of the city, by the Duumviri or judges, the sundics or mayors, and the people assembled.

In 1776 Empress Maria Theresa, upon the insistent request of the Fiumeans, made Fiume territory over to Hungary, but as a separate political body ("corpus separatum adueræm regni coronæ").

It is under these very summary historical premises that Fiume reached the middle of the last century, when, in the revolutionary movements that shook the Hapsburg Empire, 1848–49, she was attacked by the Ban of Croatia and kept under the most ferocious Croatian yoke for 18 years.

In 1869, however, by rescript of the then dual monarchy of Austria-Hungary the city and territory of Fiume was restored, always as a municipal independent, separate political body within the Empire, and attached as such to the Crown of Hungary, although about 300 miles distant from the Adriatic. The Government of Budapest, planning to use Fiume as a naval expedient base, as Austria reserved Trieste for herself and Germany, with a view to their well-known policy of "dranch nach osten," in the Balkan Peninsula, pointing to Constantinople and the Persian Gulf.

Never in history, except at one time for two or three years, have the Hapsburgs permitted Croatia to annex Fiume, although Croatia begins on the eastern side of the stream dividing her from the city of Sussak. And it is quite worthy of notice that in the 19 years during which the city has been under the Croatian yoke, as I said, that she unalterably refused to occupy the two seats afforded her in the Croatian Parliament, or Sabor. There never was love lost, indeed, between Fiumeans and Croatians, the Latin civilizing element, and the Slav faithful under serfdom to the autocracy of the Hapsburgs.

From 1869 to 1918 Hungary, representing through its governor the Imperial Austrian autocracy, did all that hard rule and tyranny could do to denationalize Fiume, to destroy her municipal secular organism. Without result, however, owing to the inextinguishable spirit of Italianity of the Fiumeans manifesting itself in many ways, at all possible occasions, such as those most eloquent of furnishing volunteers in all the wars waged by Italy for independence since 1848, as well as in this last war of their final redemption. No group of Latin descent, even within the Italian Peninsula, offered in history such an inflexible racial spirit, such historical continuity of an Italian municipal organism as did Fiume.

No wonder thus if the deputy of Fiume on the 13th of October, 1918, declared the independence of the city before the Magyar Parliament as other imperial crownlands and organized since October 18 a national council, when the Hungarian civil and military authorities and garrison fled from the city with the imperial governor at the advance of the Italian victorious armies on the Piave.

The subsequent agitation of the Fiumeans, it must be noticed, is not due to their lack of faith in the justice of American democracy, known to many of them living in America and to the intellectual men of the council, but to those contingent reasons of which I shall speak later on, converging in the dreaded conclusion that under the treaty of peace being manipulated at Paris without their direct consent their Italian city might be put under Croatian rule.

Philological reasons.—The language of the people being its most living expression in the daily affirmation of its national racial spirit and aspirations, the Italian idiom has been at all times that the

city of Fiume, the official language used between the municipal council and the Hapsburg monarchy as well as in all municipal documents in the archives of the city, which are uninterruptedly Italian. Even the inscriptions on the graves of the cemeteries of Fiume are 100 per cent Italian. The Emperors of Austria on ascending the throne received the homage of the city in Italian and separately from any other part of the crownlands. A privilege granted only to Fiume and the Hungarian city of Peccs. Moreover, the Hungarian Government itself since 1869 corresponded with Fiume in Italian only. The Italian language is being used exclusively by the Chamber of Commerce of Fiume, the courts, schools, the press, the navigation companies, the governor passports, and all other documents inherent to port transactions, and the citizens, the 87 per cent of Fiume city. Foreigners are wont to learn Italian, as are English all foreign born in the United States. All deputies of Fiume to the Hungarian Parliament since 1869 have been Italians and the municipal representatives of the city also, except at one sitting by a Hungarian, Count Ludovic Bathian. If, therefore, under the 14 points of President Woodrow Wilson any one people of the former dual monarchy is entitled to self-determination that one are the Fiumeans.

Ethnological reasons.—After the fall of the Roman Empire of Occident and notwithstanding the great Slav invasion of the seventh century, among others, which threatened to submerge every vestige of Latin ethnology and Roman political organism, the Latin group of Fiume survived owing to the indomitable racial spirit of the population, persisting on one side secular Slav infiltration and the constant pressure of the Hapsburg Empire. And on the threshold of the world war even the manipulated last imperial statistics acknowledge 65 per cent Italian population as against 22 per cent Slavonic and 13 per cent Hungarian, including employees, garrisons, and even transients. The last census, taken by the National Council of Fiume after the war, resulted in 28,911 Italians, 9,092 Croats, 1,674 Slovenes, 161 Serbs, 4,431 Hungarians, 1,616 Germans, and 379 mixed nationalities.

Economic reasons.—Import and export statistic figures prove that the port of Fiume was not needed either by Croatia or other Slavs, that it was not the result of the economic interest of Croatia or any other Slav group, but of the whole interland, especially of Hungary proper. All the commerce affluing to Jugo-Slavia from the Mediterranean has found its way to Jugo-Slavia through central lines of affluence that are all under the parallel of Fiume, the 45½°. And even if as the tentative Kingdom of the Serbo-Croat-Slovenes should be granted by the peace conference then the ports of trade affluence are all connected by good railroad communications with Serenico, Spalato, Metovic, Ragusa, and Cattaro, ports of great capacity. And while Hungary would have the greatest interest in the port of Fiume she does not aspire to it under any form, preferring, notoriously, to see it in the hands of the Italians.

The total imports and exports of Fiume, closing 1915 Austrian statistics, is divided as follows:

Seven per cent for Croatia, 13 per cent for Croatia, Dalmatia. Bosnia, Herzegovina together, the 87 per cent of these four Provinces import and export passing through the Dalmatian ports already quoted.

Political reasons.—The political importance of Fiume as to a strategic Roman apex in defense of Italy is to-day, as in Roman times, paramount between democratic Italy and peoples entitled to freedom but grown under the iron rule of military autocracy for several centuries and brought abruptly and without their assistance by Italian valor to independence in direct contact with democracy, the evolutive democracy of Washington and Lincoln, of Garibaldi and Mazzini. It being common history that all the representatives of Croatians and Slovenes, the Reichstag of Vienna, and the Parliament of Budapest, or in the Diet of Zagabria, loudly, unequivocally, and up to the last day of the empire for which the Slavs fought to the last ditch of their masters, the River Piave, against their own redemptors, have sided for the House of Hapsburg. And when freed by the Italian victory, excited by those same representatives, at once they were guided by them to seize the Austrian fleet with a view to continue to dominate their liberators in the Adriatic, from the high Dalmatian coast against the indefensible eastern coast of the peninsula between Venice and Brindisi. When President Wilson and the American delegation went first to Europe, the Hun, Austrian, and Slav propaganda, supplied by franks, pounds, and dollars for years was intense in the United States, and that of Italy was nil. Their conception of the problem of the Adriatic between Italians and Slavs, with due respect to their knowledge in geography, ethnography, and history of Europe, eventually overshadowed any other appreciation. Not only of Fiume's self-determination and Dalmatia's Italian origin, but the natural and national rights of Italy, the faithful democratic ally, the historical democratic nation who single-handed, at a still, dark hour for the alliance, destroyed after a century of martyrdom and valor one of the two central militaristic powers of Europe in open battle 51 Italian divisions, 2 English, 1 French, Czecho-Slovak, and the 352d American Regiment against 73 divisions. Or at that date 38,000,000 Italians pitched against 53,000,000 Germans, Hungarians, Slavs, and Turks. And no revolution, no insurrection, happened during the war and before in the Austria-Hungarian Empire for freedom. And except from Bohemian-Moravia, no Slav soldiers or citizens deserted to the alliance on the western and Italian fronts.

Now, as to the relations between Italians and Jugo-Slavs, about 50,000,000 and 12,000,000, respectively, these are not dependent from propaganda or monopolistic influences in the Adriatic interland, not on theories but on conditions. The interdependence of States is most desirable and possible between the compact democratic nation of Italy and the still inorganic master inhabiting said interland, interdependence being a true and permanent basis for a league of nations, as was asserted by an Italian historian a century ago, Melchiorre Gioja; provided, however, said he, Italy is in the possession of all of her mountain boundaries.

Honorable Senators, I declare I have not great faith in the future decisions concerning the Adriatic by the peace conference sitting at Paris, and I shall close the defense of Fiume and Dalmatia, pinning my faith on the political wisdom, spirit of justice, and authority of the Senate of the United States of America to redress a denial of justice, that of Fiume, only second to Shantung.

STATEMENT OF MR. S. A. COTILLO, STATE SENATOR, NEW YORK, N. Y.

Mr. COTILLO. Mr. Chairman, I come here representing practically 1,000,000 Italian-Americans in the State of New York; I represent here the Italian press of New York; I represent here the Loyal Labor Legion of New York, consisting of over 20,000 members; I represent here the Order of the Sons of Italy, which is an order throughout the country having a membership in the State of New York of over 50,000; I also represent the Independent Order of the Sons of Italy; and I represent various other organizations which have forwarded to me resolutions adopted at their conventions. I represent, also, that famous Italian review, Il Carroccio, which has been very active during the war for the maintenance and support of civilization.

I tried to treat this question, judging from what I saw here at the hearing yesterday and from an American point of view, I tried to be practical and present to the committee some evidence that I have been able to obtain, inasmuch as some of the members who have been experts on this question are not able to speak because they are citizens of a foreign country; and if there are any points that any members of the committee desire to be enlightened on, or if there are any matters that the committee has not received information in regard to, we will be able, through those men, to throw some light on those questions. I want to say also that we are glad to be given this opportunity to present to you Italy's just claims.

Those of us who were privileged to be in Italy during the conflict saw marked evidences of her great sacrifices, the force which she instilled in the war, and the great part which she continually contributed. Well do I remember during the time I was in Italy, when I toured from north to south for over four months, being sent there by the American Bureau of Public Information, and as I went from town to town the marked sufferings of the people and the unusual contribution which was given so freely by both the civilian and the military population.

Now, in reference to Fiume, permit me to quote what an Italian, who fought for 20 years for the redemption of Fiume, says:

> Fiume is Italian by the blood that flows in her veins, by the words of her mouth, and the burning desire of her heart.

Fiume has always fought against foreign oppression.

Austria-Hungary, with whom the United States went to war, is composed of three parts—Austria, Hungary, and a political and separate body of Fiume. It is undisputed that Fiume, historically and geographically, was a separate corporate body, and was even recognized by its Government, the Austrian-Hungarian Empire, which authorized Fiume to declare her own national government and to constitute herself an autonomous body by virtue of the Austrian Hungarian Deputy Ossoinack, who, on October 18, declared Fiume's self-determination, by virtue of the proclamation of Charles I on October 18, 1918, the same day. The proclamation issued by Charles I, Emperor of the Austrian Empire, of which this is part, states as follows:

> Austria, according to the wishes of its people, must become a federal State, in which every race will constitute a self-state governing body within its territory * * *.

This new form of Government proposed by Charles I guaranteed each national State that composed the Empire its autonomy.

Permit me, at this time, to show why Fiume is entitled to self-determination, and why this committee should adopt proper measures in order to pay heed to her request.

On January 8, 1918, the President declared before Congress his famous 14 points, thereby giving notice to the world of America's stand. In order to comply with this requirement issued by our President, Charles I, Emperor of the Austrian Empire, issued the proclamation that I have hereinbefore stated.

Soon after the proclamation by Charles I, Fiume, through its representative, the Hon. Andrea Ossoinack, in the Hungarian Parliament, declared Fiume's self-determination.

If I may be permitted, at this time I would like to offer a correct copy of the transcript of what transpired in the Hungarian Parliament on October 18, 1918, containing what was said by the deputy of Fiume, the Hon. Andrea Ossoinack. He said, in part, as follows:

Austria-Hungary having admitted the principle of self-determination in her peace proposals, Fiume as a corpus separatum claims that right for itself. In accordance with this right, it wishes to exercise, without any kind of hindrance, the right of self-determination of the people. I shall make before this exalted House the following clear and concise statement: Fiume stands for the right of self-determination for her people.

The CHAIRMAN. You may insert that in the record if you want to. Read it, if you desire to do so.

Mr. COTILLO. It is not very long. I will read it. This shows what Deputy Ossoinack said, and I will read this transcript. [Reading:]

STENOGRAPHIC REPORT OF THE SPEECH DELIVERED BY THE DEPUTY OF FIUME, THE HON. ANDREA OSSOISACK, IN THE HUNGARIAN PARLIAMENT ON OCTOBER 18, 1918.

Exalted House, the war has upset the world, and it seems now that peace will upset it even more. While within our borders the Croatians claim Fiume for themselves, foreign dispatches bring us the news that Fiume will be sacrificed to the Jugo-Slavs. In view of these tendencies, I feel it my duty to protest in this exalted House and before the whole world against anybody who may intend to hand Fiume over to the Croats. [General applause.]

Because Fiume has not only never been Croat, but has on the contrary always been Italian in the past and must remain Italian in the future.

The Hon. JURICA (Slovene) (addressing the deputies of the Labor Party). Applaud now.

The Hon. OSSOISACK (continuing). For these reasons, and on account of the fact that Fiume for its position in international law constitutes a "corpus separatum," and because such an arbitrary decision of the fate of Fiume would be absolutely inconsistent with the right of the peoples for self-determination [signs of approval from the left], I beg to make the following declaration [from the benches of the Labor Party: "On whose behalf?"]——

The Hon. OSSOISACK (continuing). I will tell you that also, but it is ridiculous. We have not yet reached the point when such questions can be put.

Referring to that above, I, as the deputy of Fiume, elected by a unanimous vote [addressing the Labor Party, "Do you understand?"], beg to make the following declaraion [reads]:

"Austria-Hungary having admitted the principle of self-determination in her peace proposals, Fiume, as a "corpus separatum," claims that right for itself. In accordance with this right it wishes to exercise, without any kind of hindrance, the right of self-determination of the people.

"I wish to make before this exalted House the following clear and precise statement: Fiume stands for the right of self-determination of the people." [Applause and signs of approval from the left, protests from the right.]

A few days following Fiume's declaration in the Hungarian Parliament and following the proclamation of Charles I the several nationalities that composed the Austria-Hungary Empire also made a declaration of self-determination, and they were immediately recognized by the United States as Jugo-Slavia, Polish Republics, and the Republic of Czechoslovakia, but until this day Fiume has yet to be recognized by America.

Another assurance was given Fiume when Bonar Law, in the House of Commons, on October 24, 1918, promised to the nationalities oppressed by Austria-Hungary that they would be admitted to participate directly in all their deliberations at the peace conference concerning all their varied interests.

But the people of Fiume did not cease in their efforts to accomplish their will, and on October 30, four days before the armistice was signed, the people of Fiume gathered and adopted the following resolutions:

The Italian National Council of Fiume, assembled to-day in full session, declares that by reason of that right whereby all the nations have attained independence and liberty the city of Fiume, which up to now was a "separate body" constituting an Italian National Commune, also claims for itself the right of self-determination. Taking its stand on this right the national council proclaims Fiume united to its motherland, Italy. The Italian national council considers as provisional the state of things that commenced on October 29, 1918, and it places its right under the protection of America, the mother of liberty and of universal democracy. And it awaits the sanction of this right at the hands of the peace congress.

With all the previous assurances given to Fiume, the National Council of the city of Fiume sent a delegate to the peace conference, but was not admitted, which was a clear violation of her national standing, and she was not even placed on the same equality as the other oppressed delivered nationalities. The peace conference, regardless of the effect of the proclamation of Charles I for the right of self-determination, and in violation of the promises of the House of Commons, refused recognition to Fiume's representative, but the delegate Deputy Ossoinack was allowed the privilege of a private conference with members of the conference and President Wilson, to explain and make his claims for the rights of the people he represented. This total disregard of Fiume's rights did not discourage the National Council of the city of Fiume, and they presented to the peace conference briefs in support of their claims, receipts of which were acknowledged by the conference, under date of March 28, 1919, and the said briefs asked that the decision by said council on October 30, 1918, should be sanctioned by the peace conference.

Fiume again, by virtue of its undisputed right of self-government, on April 18, 1919, voted a second time by plebiscite to be united to the Kingdom of Italy, and all the commercial bodies and civic clubs were unanimously in support of said decision to be annexed to the Kingdom of Italy.

The city of Fiume sent 70 or more telegrams to the peace conference, asking unconditional annexation to Italy, and the municipality and national council sent the following dispatch, which is signed by President Grossich:

The national council, which on October 30, 1918, solemnly claimed the union of Fiume to Italy and placed its plebiscite under the protection of America, expects from the conference the vindication of its right, justice, and liberty,

that they be made inviolable according to the unanimous wish of the people of Fiume. In these hours, when the fate of Fiume is being decided, the national council appeals to the sense of justice of the conference, expressing its firm faith that the plebiscite, based upon the cardinal principles of President Wilson, will be ratified by the conference. Fiume, which in 1720, 1779, in 1867, and in 1918, decided its own fate of itself, reaffirms by a plebiscite vote its indestructible right to self-determination and its unalterable will to belong to Italy.

PRESIDENT GROSSICH.

It was not long after the previous telegram was sent that the people of Fiume again made themselves heard, and on May 31, following a conference, to internationalize the part of Fiume, between Premier Orlando and the representative of Fiume, the national council of Fiume, on learning of the subject of the conference, adopted a resolution, as follows:

To a council who refuses the right of men we answer "No." We are Italian and not a savage tribe, and, above all, we are men who can not believe that nations of a Washington, of a Victor Hugo, of a Gladstone dare to shoot their cannons against a little indefensible town, and we are now and forever more proud of our liberty and our Italianity.

Thy sent this appeal to the chairman of this committee, Senator Lodge, and he referred it to the Senate on June 6, 1919. At the same time it told the peace conference to not consider further the rights of the people of Fiume, as they would be perfectly satisfied to entrust their fate and their liberty to America.

You have before you now, Mr. Chairman, the covenant of the league of nations under discussion, and we think it is just and proper to discuss the Fiume question, because we Americans believe that in determining the disposition of Fiume the will of its people has been totally disregarded, and that peace in the Adriatic has also been ignored. If peace does not prevail in the Adriatic, would not America be, in duty bound, either by legal or by moral obligation, to intercede with its soldiers and its wealth?

By virtue of the evidence heretofore given, the American Government has all the power to negotiate and must negotiate directly with the national council of the city of Fiume. If the American nation disregards entirely the status of Fiume, a peculiar situation arises, namely, that America, being at war with all the Austrian Empire, she would be making peace with Austria, with Croatia, with Jugo-Slavia, with Czechoslovakia and would remain at war with the separate corpus free city of Fiume.

We can not discuss nor dispute Fiume's right to self-determination. The national council that proclaimed her self-determination counts on the sympathetic encouragement of America and its power emanated by a plebiscite. All the accusations that questioned or contested the right of the National Council of Fiume to govern them have proven false, and there is not a scintilla of evidence to substantiate these accusations.

The United States Senate, in considering the treaty of peace, must consider the position of Fiume, and must necessarily request that the treaties that will be entered into with the enemies, that all these treaties must respect the right of nationality and must heed the voice of the oppressed people of the world who long for liberty and self-determination and the pursuit of happiness such as is the case of the free people of Fiume.

Fiume sent, as I have stated, to the peace conference at Versailles her own delegates, who were heard and made their wishes known, consistent with the 14 points laid down by President Wilson.

Our President has interested himself in this question, and on April 23, referring to the Fiume situation in Paris he said in part:

> The interests are not now in question, but the rights of peoples of states, new and old, of liberated peoples, and peoples whose rulers have never accounted them worthy of a right, above all the right of the world to peace and to such settlement of interest as shall make peace secure. Has not Fiume asked to be annexed to her mother Italy? Would not peace be more secure were terms given to a friendly ally such as Italy than to a Jugoslav nation that does not exist and who were our enemies? Shall we doubt Italy?

Permit me here to quote what Senator Owen said on July 31, 1918, before the Senate:

> Shall we doubt Italy? The Italian people have shown themselves to be glorious in war and magnificent in peace. When Paris was about to be struck down by the advancing field-gray troops of Germany, coming like swarms of locusts down upon the Marne, it was Italy that told the French statesman, "You need not guard the borders between France and Italy. Italy will not stand by Germany in a war of aggression." Italy made a treaty with Germany and Austria, a defensive alliance, against aggression on Germany and Austria, but not by Germany and Austria on undefended borders of others, or any unprovoked assault upon their neighbors. Shall we question Italy when the Italians by tens of thousands and hundreds of thousands died for a common cause with us?

If the peace conference at Versailles has ignored this important question of Fiume, I think it is just and fair that the Senate of the United States should pay heed to the virtues of these oppressed people of Fiume, who long for liberty and turn to our shores for a sympathetic encouragement.

The people of this country, Mr. Chairman, can not let go unnoticed the appeal of Fiume on October 30, 1918, by proclaiming their right and long desire to be annexed to Italy, because if we did we would betray our own traditions of liberty and humanity that the American Nation so well typifies. I could conclude here and stand on Fiume's inalienable right, but we may consider further this question in relation to actual conditions of to-day.

Fiume enters in the war program as it does with the Italian peace terms. Fiume is by population Italian, by language, geographically and historically, and by all that makes up a nation. Its Italian character was even recognized by the Austrian-Hungarian empire. In Fiume, all the mayors, all the deputies, the members of the municipal council, members of the chamber of commerce and of the courts have always been Italian. Therefore, it is self-evident that they can think for themselves; they can dispose of their own fate, and who can deny them the right to join their mother country?

Italy entered the war to aid the cause of civilization; she possessed the same ideals as our boys who fought and shed their blood at Belleau Wood and Chateau-Thierry. Italy at the same time fought to safeguard her national existence, and the safety of the world depends upon the proper rectification of her natural boundaries. The annexation of the provinces of Venetia, Julia, Fiume, and part of Dalmatia is the completion of the Italian national and geographical unit, that unit which the Italians have been struggling for for long years with perfect faith in the justice of their cause.

The world well knows Italy's sacrifices in this war, and in spite of her severe handicaps the part which she played for the cause of civilization. The Italians have no imperialistic aims. Italy does not seek expansion at the expense of any other nation. They ask only for what rightfully belongs to them. Their traditions and their ideals are incompatible with imperialistic aims. Neither did they enter the war for selfish motives. Italy could have received all she wanted by remaining neutral. The voice of the people, impelled by the spirit of right and universal justice, demanded that she enter the war upon the side of the Allies, to right the wrong perpetrated upon civilization by the Central Powers.

In 1914 she repudiated the triple alliance and declared her neutrality, thereby permitting France to use the army she had assembled on the Swiss frontier for other service.

Again, in 1915, Italy renounced her neutrality and cast her lot with the Allies, thereby placing the central empires in the precarious situation as was stated by Ludendorf. This action unquestionably made final victory for the Allies possible.

In November, 1917, contrary to the will of Gen. Foch, and under the Italian command, assuming the entire responsibility, Italy alone checked the invasion at the Piave and thereby saved Venice, and at the same time saved all of the Adriatic from Austrian conquest and saved Italy from total destruction, thereby saving the cause of the Allies.

I may say here, in order to give this a personal coloring, that I had the good fortune to be in Paris, in May, 1918, and had the extreme honor to have a conference with Gen. Pershing in reference to sending American troops into Italy. At that time the condition of the French Army was pretty bad, and I recall distinctly the general stating that he could not afford to give any troops to uplift any morale anywhere.

I am talking now of May, 1918. Italy at that time, you will recall, had not recovered after Caporetto. After that conference with Gen. Pershing I returned to Rome, and I assured Premier Orlando that America would send some troops. We finally got the Three hundred and thirty-second Regiment, from Ohio, consisting of 3,600 men. Their chief purpose in going to Italy was to uplift the Italian morale, and they accomplished it very well, and I think we all agree that Italy has always loved America. As I say, in May, 1918, there existed a serious crisis.

In May, 1918, there existed a serious crisis. The morale of the allied nations had been shaken under the awful blows of the German machine. Courageous France was making its last stand, her manhood was all but spent. England's man power was down to its lowest ebb, and the morale of her people was tottering. In addition to the formidable attacks by its mighty army, Germany was making use of its long-range guns and aerial attacks to weaken the resistance of the French civilian population. Italy had not yet recovered from the awful catastrophe sustained at Caperetto, and could not apparently resist another major attack, and her people were becoming more and more susceptible to defeatist propaganda.

Two events, which to my mind had a greater bearing upon the successful outcome of the war than any other happening, and which

marked the turning point for the fortunes of the Allies, were namely, the victorious stand of the Italian army on the Piave, when overwhelmed by numbers, guns and material, possessing inferior positions protected by hastily-constructed fortifications, it repulsed the Austrians, and the victory of the American Marines at Chateau-Thierry and Belleau Wood.

Italy since the beginning of the war enrolled 5,000,000 men: of these, losses in dead were 500,000 on the battle fields, 300,000 died of disease, and 600,000 permanently disabled.

There may be some slight inaccuracy in the figures here, and I am informed that the latest figures are now out, but the inaccuracy, if any, in the figures is very slight.

Italy was the only warring nation who called to her colors all her available manhood.

Italy was the only warring nation, not excluding Germany, that had her 19-year-old youths under arms for one year.

Italy was the only warring nation that had her 18-year-old youths on the firing line since May, 1918, before the Piave.

Italy was the only warring nation that called out her 17-year-old youths.

Italy, at the time she entered the war, was a nation of 37,000,000, against Austria's 54,000,000. Austria had 20 more divisions than Italy, and be it remembered that Austria's division is a larger one than an Italian division.

Austria had 3,000 more artillery pieces than Italy. She had not only a superiority in numbers, but her artillery is considered technically superior.

Austria had the vast advantage of position.

A great deal has been said about the support that Italy received from the Allies, but I am frank to say that in so far as the military assistance given to her is concerned she practically shifted for herself, with the exception of three British divisions, two French divisions, and one United States regiment consisting of 3,600 men. On the other hand, Italy maintained in France a whole army corps, which was greater by far than the combined allied divisions fighting on the Italian front. This army corps comprised the picked troops of the Italian army, and gave unexcelled proof of their valor at the battle of Rheims.

Gentlemen, in spite of the appalling handicaps under which the Italian army was operating and with insufficient reserves, 51 Italian divisions, three British divisions, two French divisions, and one regiment of Americans on the night of the 24th of October, 1918, were ordered by Gen. Diaz to begin a major offensive extending from Brenta to the sea. This final blow resulted in the complete rout of the formidable Austrian army, causing the surrender of 500,000 men and the capture of unlimited quantities of booty. Thus was Austria definitely rendered helpless, and thus was final victory assured to the fighting armies of the Allies. For the victory of the Italian army most assuredly brought victory to the Allies. Without the surrender of Austria, it is a matter of conjecture whether Germany would have sought peace as soon as she did.

Mr. Chairman, to deny Italy the right to defend the rights of her confines, or to accuse her of being imperialistic because she defends

the rights of her oppressed sons, means to deny her the immense sacrifices she has made and the blood she has shed on the battle field in the cause of humanity. If you deny Fiume to the Italians and cede it to Croatia, according to President Wilson, it will mean continuous disturbances and you will never have peace in the Adriatic. The rancor and the bitter feeling of animosity between the two nations, Croatia and Italy, that only yesterday were ferocious enemies on the battle field, can never be blotted out and you would have a constant inborn rivalry, possibly instigated by other interests, commercial and otherwise, that would constantly menace the development of Italy and all the world.

Under the advantages of Italian civilization the local government of Fiume can guarantee the widest liberties to the Jugo-Slavs; instead the Jugo-Slav government, which is still an unknown entity and composed of many conflicting factions, is preparing the repetition of the Austrian-Hungarian coalition, which has been destroyed by the arms of liberty, and facilitate also the renewing of Teutonic influences in the Balkans or to favor the Bolshevic Slav wave that precipitates toward the Adriatic. Therefore it will be impossible for the Jugo-Slav to assume to protect the Italians.

The treaty of London does not affect the status of the free city of Fiume. If the Senate of the United States intends to deny the validity of the treaty of London then it is self-evident that Fiume remains always the arbiter to decide her own destinies. And it becomes even more evident that the American people must recognize the sanctity of the right of a population that wants no more masters or oppressors.

If we should consider, on the other hand, the validity of the treaty of London, said treaty would concern Italy, because the pact of London, said treaty would concern Italy, because the pact of London is only a contract or a memorandum with which the Government of Rome, before plunging into war, insured itself against the selfish program of the entente conceived against Italy, the United States and the neutral nations by England, France, Russia, and Japan. The treaty constitutes, instead of an act of Italian imperialism, as people have been led to believe, a defense of Italy's national rights endangered by the entente in the event that a victory could be achieved without Italy's help.

Everything that the treaty of London grants to Italy is consistent with the whole program of the unity of the Italian nation, because she must live and prosper in peace in order to protect all her sons within her own national frontiers, such as the Alps and the Adriatic Sea. Should this security be denied to Italy in the Julian Alps and the Adriatic Sea in Dalmatia, the enemy will always have an open way to invade the peninsula. This would mean the dissolution of the national unity which had been obtained by bloody sacrifices, with the affirmation of democratic plebiscites, and by means of a struggle which marks, in the history of liberty, the first triumph of national rights in Europe.

In homage to this fundamental principle of national unity and her independence, Italy opposed in 1913 the Austrian plan of aggression against Serbia. In order to protect Serbia's national integrity Italy refused to take up arms together with Austria. It was for the na-

tional cause of Belgium and Serbia that Italy went to war in 1915, and it was in order to favor Serbia that Italy renounced in the treaty of London a portion of Dalmatia and guaranteed to the Serbian people not only one but several outlets to the sea. Italy did not demand for her military defense the whole of Dalmatia, but one-sixth of Dalmatia. It is true that in the treaty of London Fiume was attributed to Croatia, but that was a concession to Russia, forced by circumstances. Russia obligated herself to sustain against Austria the complete cause of Italy, and this obligation was not fulfilled when Russia deserted the common battlefield. Russia, in protecting Serbia, was following her own interest to accomplish the Pan-Slavic program and to maintain a steady menace against Italy; this explains her successful insistence in also obtaining Ragusa and Cattaro, which are nothing but military stations.

In 1917 the whole weight of the powerful Austro-Hungarian army was thrown against Italy, causing enemy invasion and brutal devastation of Italian territory. It is clear that, having Russia fail to fulfill her obligation and having eliminated herself from the Peace Conference Italy is no longer bound to fulfill her own obligation toward the people with which Russia had unified her program. So much so, because this part of the treaty encroaches upon the right of self-determination of the people of Fiume.

When Italy ceded Fiume to Croatia she did not intend to give that city to a coalition of Austrian nationalities which, under the form of Jugo-Slavia resurrect in front of her the old enemy. It is these same Jugo-Slavs who had fought up to the last moment—the 2d of November, 1918—when Field Marshal Boroevic, Austrian general, received orders from the National Council of Zagabria, capital of Crotia, and plotted with the imperial and royal authorities of Vienna to rob the Allies of the Austrian fleet at Pola on October 31, which was assigned by the terms of the armistice to the Allies.

In other words, Mr. Chairman, these people did not cease when the armistice was signed, but afterwards, when certain of the ships were allotted to the Allies, they immediately conspired again to go into the harbor of Pola and take those ships. These are the men who present themselves before your committee to-day and say, "We want a Jugo-Slav nation."

The Croatia to which the treaty of London refers would have been that autonomous portion of territory which under that name would have survived the Austro-Hungarian monarchy, against which Italy was fighting in order to deliver its oppressed nationalities. It is therefore clear that this new Croatia which would have possessed Fiume should have been a nation friendly to Italy, and cooperate with Italy to maintain peace and cordial relations in the Adriatic. It is inconceivable that Italy would be willing, in 1915, to substitute to an enemy nation another enemy nation. And it is illogical that one should ask of her to-day to give Fiume to a new enemy after she had delivered her from a previous enemy. It is perfectly useless to demonstrate that Croatia to-day is bitterly unfriendly toward Italy. The present outbreaks prove that nothing has changed in the nature of the people who made such a large use of Hunnish spike clubs. This justifies Italy's apprehensions and her necessity of guaranteeing herself against future menace to herself and to the peace of Europe.

Italy, with her perfect and liberal order of Government, is in herself a guaranty of peace in the Adriatic and of freedom of navigation for all peoples. Through the influence of her type of civilization and with the added authority she receives from the cooperation of America, she can be a real instrumentality in the settlement of Balkan affairs. The United States will have in Italy the guardian of their commerce in the Adriatic.

The question of Fiume must not be allowed to disturb the friendly relations between the United States and Italy. The Italian people through the trials of the present day have never ceased to harbor and manifest fraternal feelings toward the American people. Italy is the only liberal country of Europe which is free to enter into spiritual and commercial alliance, if not political, with the United States.

Italy is a country of great resources which has revealed to possess a great people, great energy, and great ideals. She is tired of depending politically and economically upon Germany, and is unwilling to depend upon England or France. The actual spirit of Italy refuses to participate in any combination of balance of power. English dominance forbids Italy to reach her development in the Mediterranean and in the world.

A cordial understanding between the United States and Italy means a reduction of English power in Europe. For this reason, at the peace conference, the British created difficulties for the clear understanding of the respective ideals of peace between the United States and Italy.

The United States have interest to maintain peace in the Mediterranean and to guarantee to European peoples that liberty which is the fruit of a war which has been so costly in money and American blood. The only nation that can guarantee this is Italy. Italy can not be betrayed by the United States. One can not ask Italy to renounce the Italianity of her children. It has been said that Italy must relinquish all her rights to Fiume if she expects to obtain coal from us. It would be cruel and unjust to offer to her, in exchange for this betrayal, food and coal.

If Italy needs food and coal, it is because she has given whatever she had for the common cause of her Allies and associates. What better treatment has been accorded to the Germans, Austrians, Croatians, and Hungarians than the treatment they have received at our hands by furnishing them with food and coal.

And may I add here, Mr. Chairman, from my own personal experience, that as I say I was in Italy at the time when the morale of the Allies was in a critical condition, and Italy was clamoring for support, and for a reserve, and for coal. The assistance that did come was not very strong, in comparison with what the other nations got, but nevertheless Italy has always had and now has a deep feeling of regard for America and appreciates her assistance.

After four years of suffering, of destruction, of hardships, the people of this world have entered upon a new era of international justice. That justice which is a by-word to-day will give way to justice to all. Italy's claims will be granted to her, not because of her sacrifices in this war, but because truth and justice demand the security of her confines and the safety of her race and civilization.

Mr. Chairman, may I be permitted to offer for the record a resolution of the State of New York, which was adopted in the State both

by the assembly and the senate, April 7, 1919, signed by Alfred E. Smith, governor; Thomas M. Hugo, secretary of state; Harry C. Walker, president of the senate; and Thaddeus D. Sweet, speaker of the assembly.

The CHAIRMAN. Certainly, that will be printed.

(The resolution referred to is here printed in the record in full, as follows:)

ALBANY, *March 17, 1919.*

State of New York, in Senate.

By Mr. Cotillo:

Whereas President Woodrow Wilson has returned to attend the peace conference for the purpose of drafting terms of peace affecting the settlement of various questions arising out of the World War; and

Whereas the President has expressed a desire to be the spokesman of the whole American people at the peace conference; and

Whereas Italy has fought with heroism and great sacrifice since its entrance into war, and has done its share in bringing about the great victory of the Allies; and

Whereas Italy is making claims at the peace conference for restoration of certain lands and territory formerly belonging to it, and for land and territory necessary for its economic needs, and for its national security and preservation; and

Whereas over 1,000,000 American citizens of Italian birth or extraction in the State of New York feel that in justice to Italy for her numerous sacrifices in the Great War, and by virtue of the will expressed by the people who inhabit said territories, the Provinces of Venezia, Julia, Fiume, and Dalmatia should be united to Italy: Now, therefore, be it

Resolved, That the Senate of the State of New York, the Assembly concurring, the representatives of the people of the United States at the peace conference be requested to exercise their influence to bring about just consideration of the claims of the Italian Government for the restoration of its lands and territories in order that Italy may be secured from future aggression, and have a safe place on the Adriatic to prevent future hostilities, and have her national security and preservation; and be it further

Resolved, That a copy of this resolution, properly attested with the great seal of this State, and signed by the president of the senate, the speaker of the assembly, by the secretary of state, and the governor of the State of New York, be forwarded to the President of the United States and to the representatives of the United States at the peace conference.

By order of the senate.

ERNEST A. FAY, *Clerk.*

In assembly, April 7, 1919:

Concurred in without amendment.

By order of the assembly.

FRED W. HAMMOND, *Clerk.*

ALFRED E. SMITH,
Governor.

THOMAS M. HUGO,
Secretary of State.

HARRY C. WALKER,
President of the Senate.

THADDEUS D. SWEET,
Speaker of the Assembly

Mr. COTILLO. May I also offer for the record a pamphlet which has been prepared by the Italo-American Irredentist Association, which has in concise form the arguments on this question, and this I should like to have a part of the record.

The CHAIRMAN. That will be put in also.

(The pamphlet referred to is here printed in the record as follows:)

ITALY'S NATIONAL ASPIRATIONS AND DEEDS—AN APPEAL TO THE AMERICAN PEOPLE.

AMERICA AND ITALY.

With America in the peace conference, many questions arose which have never before been debated, and regarding which a great deal of inaccurate information has been disseminated here.

The question of Fiume is one of these. It is not merely an Italian question or a Jugo-Slav question. If the people of Fiume are not given their right of self-determination, as promised by President Wilson in his "fourteen points," how can the league of nations be expected to function? Geography, history, ethnography are in perfect accord with President Wilson's point.

It is with a view of giving the American public accurate data, not only regarding the rights of Fiume to self-determination, but also Italy's part in the world war, that this booklet has been compiled and purposely made as brief as possible, so that the reader may at a glance realize that Italy asks solely what is hers by geographic, national right and by reason of her sacrifices in the cause of humanity.

ALESSANDRO OLDRINI,
Chairman Federation Italo-American Irredentist Associations.
S. A. COTILLO,
Chairman New York State Senate.
LUIGI CRISCUOLO,
Ex-Chairman First Italian Division Liberty Loan Committee, New York.
ALESSANDRO SAPELLI,
Former Governor of Italian Somaliland, East Africa.
MARIO SCHIESARI,
Secretary General, Federation Italo-American Irredentist Associations.

WILSON'S MESSAGE.

(May 23, 1918.)

"The people of the United States have looked with profound interest and sympathy upon the efforts and sacrifices of the Italian people, are deeply and sincerely interested in the present and future security of Italy, and are glad to find themselves associated with a people to whom they are bound by so many personal and intimate ties in a struggle whose object is liberation, freedom, the rights of men and nations to live their own lives and determine their own fortunes, the rights of the weak as well as the strong, and the maintenance of justice by the irresistible force of free nations linked together in the defense of mankind. * * * America salutes the gallant Kingdom of Italy and bids her godspeed."

WOODROW WILSON.

FIUME—ITS HISTORICAL STATUS.

If the city of Fiume has assumed world's importance it is because of its irresistable Italianity, the denial of which would be a denial of justice.

Most people try to identify Fiume with Tarsatica, rebuilt after its destruction, clear traces of which were found in the Roman foundations on which the mediaval city was built.

The ancient Roman "Oppidum," for such Tarsatica had been, reappears in the Middle Ages under the name of "San Vito al Fiume," known later as Fiume.

Fiume, from its foundation a free municipality, was for some time under the dominion of the Franks; then it became successively a fief of the Bishop of Pedena, of the Bishop of Pola, of the Lords of Walsee, and finally of the Hapsburgs. For 30 years only, in the fourteenth century, Fiume was held in pledge by the Croatian family of the Frangipani (the Frankopan). In 1752 Fiume was made part of the government of Trieste, a union that was but natural.

All documents relative to the city of Fiume bear witness to its uninterruptedly Italian character, which victoriously survived the Slav invasion from the Danubian region in the seventh century.

In 1776 Maria Theresa, then paramount ruler over Hungary and Croatia, incorporated Fiume, not to Croatia, as some student of history has erroneously

stated, but to Hungary, through Croatia, then a part of the Kingdom of Hungary. Later on, as a result of the protests of the inhabitants of Fiume, a Royal decree of April, 1779, proclaimed Fiume to be a "separate body annexed to the crown of the Kingdom of Hungary," and the formula adopted by Maria Theresa could not have been clearer or more effective in declaring Fiume to be a quite distinct body, directly connected with the Royal Crown of Hungary, and having no connection whatever with Croatia.

During the Hungarian revolution of 1848 ,when the Magyars were entertaining aspirations to national freedom, Fiume was taken from Hungary by the Croatians of the Bana Jelacco, who, as always, had remained faithful to the Hapsburgs ,and held on to it for 19 years without success in spite of their strenuous endeavors to undermine its Italian character, until 1867, in the dualistic settlement between Austria and Hungary, it was restored to Hungary.

In 1868 deputations from the Kingdom of Hungary, Croatia and Fiume met at Budapest and decided that the free city of Fiume and its territory should remain, in accordance with the charter of 1779, provisionally annexed to Hungary, as a separate body.

The collapse of the Austro-Hungarian monarchy at Vittorio Veneto has afforded Fiume the best opportunity to avail herself of her right to join Italy, her mother country, which right has never ceased to exist. Basing her claim to independence on this right, as well as President Wilson's principle of self-determination, on October 30, 1918, the national council of the free town of Fiume and territory solemnly resolved: "The Italian National Council of Fiume, assembled to-day in full session, declares that by reason of that right whereby all nations have attained independence and liberty, the city of Fiume, which up to now was a separate body, constituting an Italian national municipality, also claims for itself the right of self-determination. Taking its stand on this right, the national council proclaims Fiume united to its motherland, Italy. The Italian national council considers as provisional the state of things that commenced on October 29, 1918, and it places its right under the protection of America, the mother of liberty and of universal democracy, awaiting the sanction of this right at the hands of the peace congress."

Such was the constitutional situation of Fiume until April 29, 1919.

Minister Antonio Scialoja, whose works are well known as masterpieces, has written thus of the Fiume resolution: "As a professor of law, even laying aside all sentiments as an Italian, I state that this resolution is indestructible, unless it be destroyed by violence. Who could prevent the free Italian community of Fiume from making use of its right? The autonomy of Fiume, by the collapse of the Hungarian Crown, has become ipso jure politically independent, so that by its decision the national council gave expression to a free will, sovereign and productive of a sole juridicial right. Through its representatives the republic of Fiume wished to be joined to the motherland, in a sphere of greater liberty. Whosoever would deny the juridicial value of this solemn act would contradict the principles laid down by President Wilson and the law of public right accepted by all free peoples."

The Italian character of Fiume is irrefutably proved besides by the official census. According to the returns for 1910 the Italians in Fiume numbered 24,000, plus 6,000 Italian citizens, most of whom were members of Italian Fiuman families who had obtained Italian citizenship. It must be remembered that here is a question of authentic Italians, not of Italianized Slavs, as M. Protich, prime minister of the Serbo-Croat-Slovene Government has said. It is impossible to see how he could prove his statement. The Slavs (Croats, Serbs, and some Slovenes) were 12,000 and the Magyars 5,400. Therefore the existence of a 57 per cent majority on the Italian side is at any rate borne out by official statistics. As a matter of fact, the number of Italians belonging to the permanent population of Fiume before the war is well proven by official figures notoriously manipulated against Italian interests.

Moreover, the nationality of Fiume is also confirmed by the fact that all mayors and deputies of the city have always been Italian, as well as the members of the municipal council. All schools at Fiume are Italian; the number of children attending the Croatian schools at Sussak, the neighboring city, is hardly 1 per cent of the total number of school children in Fiume.

The Jugo-Slav commerce passing through Fiume is only 7 per cent of the whole traffic of the port. Out of the total Jugo-Slav importation and exportation 13 per cent goes through Fiume and 87 per cent goes through Dalmatian ports.

The voices of the dead join the voices of the living in proclaiming once more the Italianism of Fiume. In fact, a census of the sepulchral epitaphs taken in Fiume dated from the sixteenth to the nineteenth century, 83 are written in Latin, 7 in Italian, 2 in German, and only 1 in Croatian.

The sepulchral epitaphs that were put on the tombs of the Fiume cemetery during the later century are 2,853, of which 2,301 are in Italian, 343 in Latin and German, and only 206 Croatian.

Another merit of the census is that of having proven false the puerile assertion of the Croats that Fiume had been Italianized recently through the efforts of the Hungarians. Statistical data, on the other hand, follow the gradual increase of the Croatian epigraphy while our epoch approached. In fact, from 1800 to 1866 there does not exist even a single inscription in Croatian, proof that Croatian immigration into Fiume is of recent development, and the further one goes back into the past the more evident becomes the Italianism of Fiume.

Since April 29, 1919, the constitutional situation of Fiume has changed, following the telegram sent to President Wilson by the National Council of Fiume:

"The population of Fiume, assembled under the Italian flag in the presence of representatives of the glorious American Army, replies to your proclamation by conferring full power over the city upon the representatives of the Italian Government.

"In the name of our dead on the Piave and on the Isonzo, we express to you our greatest gratitude for provoking, with your attitude, the highest and most solemn manifestation in favor of Italian sentiment which this city could make before the world.

"We inform you that Fiume's union with Italy is an accomplished fact."

Neither Gen. Grazioli, commander of the Allied troops and military governor of Fiume, nor the Italian Government accepted officially the annexation to Italy, because Italy wanted as long as possible to act in full agreement with the Allies. For the people of Fiume the annexation remains an accomplished fact, and will be so the moment the Italian Parliament officially accepts the annexation of the Italian city of Fiume.

That the decision of Fiume is irrevocable and that the people are tired and hurt by the incomprehensible delays appears from the following document received by the members of the peace congress: May 26. The National Council of Fiume considers the plebiscite of October 30 an ineffaceable, juridical, and historical fact by which from that time the territory and city of Fiume have been virtually reunited to Italy. The national council declares that it can not permit that the fate of Fiume be deliberated at Paris without the consent of the inhabitants of Fiume, and that it will never consent that the recognition of the rights of Fiume be attained through humiliating commercial negotiations. Anyone wishing to change existing facts in Fiume should come and try to impose such a change by force. Fiume awaits with calm resolution violence from any source, so that exact expression of the sentiments of the Allies may be obtained and so that each one may now realize the responsibility to be assigned to him in history.

"The people of Fiume are convinced that history written with the best Italian blood can not be effected at Paris."

The historical boundaries of the free city of Fiume and its territory were established by imperial patent, issued by Ferdinand I on July 20, 1530, recognized by Marie Theresa in 1779, and finally by the Hungarian Government in 1868.

DALMATIA—ITS HISTORICAL STATUS.

A glance at the map of Europe shows even a boy that the great strategic, geographic, and ethnic frontier that separates the Latin from the Germanic world is, according to nature's own aims, on the Rhine River and on the Alps of the Brenner region. The same glance shows also that a powerful extension of the same Alpine barrier separates the Latin from the Slavic world along the crests of the Julian, Velebit, and Dinaric Alps from the borders of Carinthia all the way down parallel with the Adriatic shore to the borders of Montenegro.

West of the Dinaric Alps lie Istria, Dalmatia, and the whole basis of the Adriatic, an integral part of the Latin civilization, while on the eastern slopes of those Alps is found the great orographic basin of the Danube River, into

which run all the rivers of Jugo-Slavia, like the Save, the Drave, and others, and on which is built the future metropolis of the new commonwealth, Belgrade, while none of the Jugo-Slavic rivers run into the Adriatic. The Danube, that incomparable inland waterway, is the orographic, ethnographic, and economic outlet of Croatia and the other Jugo-Slav countries from Vienna to the Black Sea.

History.—What the German did in Alsace-Lorraine the Austrians did in Gorizia, Trieste, Istria, Fiume, and especially in Dalmatia, mostly since 1860, in an effort to "Croatize" that part of Italy. But history can not be destroyed.

Dalmatia, "the Chile of the Adriatic," and its contiguous island were Roman colonies as early as two centuries before Christ. Dalmatia gave Rome one of her greatest emperors in the person of Diocletian, whose monumental palaces, completed in 303, are still pointed out with pride by the natives of Spalato as worthy to rank among the "seven wonders," just as "most Italian Fiume" points to the triumphal arch of another Roman Emperor, Claudius II, and to her Venetian Basilica of San Vito; as Sebenico's Cathedral, also of Venetian origin and design, is the pride of all Dalmatia.

The cathedral of Santa Anastasia in Zara, capital of the "Kingdom of Dalmatia" (as its official name still is), was founded in 1202 by Enrico Dandolo, Doge of Venice. Her Campanile di Santa Maria is a century older. Zara has also preserved with care her old Roman Tower, her Roman aqueduct, and her ancient Loggia del Comune, with its 34,000 volumes and invaluable Latin and other manuscripts. A mere nomenclature of Dalmatia's Roman and Venetian antiquities and archeological remains would fill volumes.

Many of the greatest among Italian poets and authors were natives of Dalmatia. Tommaseo is one of them. The whole eastern coast of the Adriatic has given to Rome Venice and Italy down to the present day thousands upon thousands of patriots, soldiers, and martyrs. Oberdan, of Trieste, and Sauro, of Capo d'Istria (Istria), are among the latest and greatest, along with Rismondo of Spalato (Dalmatia), who have honored and hallowed Austria's scaffold by dying upon it for Italy's sake in 1917. Several of the political refugees from the eastern coast of the Adriatic have become ministers of the Kingdom of Italy; two of them, Gen. Zupelli, a native of Capo d'Istria (Istria), and Hon. Barzilai, a native of Trieste, were ministers during the recent war.

The Adriatic Sea was for upward of 20 centuries a Latin lake, the "Mare Nostrum" of Rome, then of Venice, including the whole eastern coast. From 1805 to 1815, it was a Province of the Kingdom of Italy. After the fall of Napoleon at Waterloo, the Congress of Vienna, 1815, handed over Venice, Istria, and Dalmatia to Austria. In 1848 Venice arose and revived the ancient republic, and for 18 months held at bay, single-handed, the forces of the whole Austrian Empire, and was subdued only by starvation and cholera, and her ancient dominions were plunged into deeper and more abject servitude.

But it was when the new Kingdom of Italy came into existence, 1861, that the worst came for the Italian region under Austrian rule. The Austrian Government started in earnest to kill off the Italian race and do away with the Italian language in Trentino, Gorizia, Trieste, Fiume, Istria, and Dalmatia, and to transform the Adriatic into a German lake. The outrageous conditions under which unredeemed Italians were kept led to the war of 1866 and freed Venice. The cities of the Dalmatian coast made great preparations to give Italy's fleet a royal welcome, but the defeat of Lissa by Tegethoff prevented a landing. Austria then adopted such a cruel and vindictive policy against Dalmatia that it was goaded into a revolution in 1869, which gave the Austrian Government a pretext for wholesale executions. Murderous Croation bands were let loose in those countries, where they perpetrated the most unspeakable horrors, second to none that were to be committed later by kultur in Belgium or Serbia. The scaffold, wholesale slaughters, and banishment laid whole sections waste; some of the victims made their escape to Italy, others across the Dinaric Alps, where they met with some humanity at the hands of the Turkish authorities.

But 1878 came and the Congress of Berlin, when Austria also grabbed those former Turkish territories, and extended her rule over both slopes of the Dinaric Alps. From that hour, the native Italian cause in Dalmatia and vicinity seemed doomed, unless a miracle of Providence should intervene. Since 1878 Austria has been promoting a wholesale immigration of the Croatian rabble from the former Turkish territories, which have now adopted the new name of "Jugo-Slavia" given them by the late Crown Prince of Austria, Franz

Ferdinand, a few years before the recent war. Famished hordes recently released from Mohammedan control crossed the Dinaric Alps, pounced upon defenseless Dalmatia and its old and marvelous civilization, its opulent cities, and under government protection endeavored to swamp the native element.

They were given the franchise the day they landed there, and so manipulated and debauched the political life there that up to the day of the recent armistice political and municipal election in Dalmatia was a farce; and the native Italian interests and cause were looked upon as henceforth and forever a forlorn hope.

The first sledge-hammer blow was dealt at the native Italian schools, that had existed there from time immemorial. They and the native teachers were systematically and inexorably choked and stifled out of existence, and substituted by Croatian schools and teachers. The latter were ignorant, uncultured, and brutal. Italian was forbidden. Italian children were compelled to attend Croatian schools and cruelly discriminated against. The intruding teachers had full swing as to corporal punishment. The Press was gradually suppressed by the political machine, under sinister plausibilities and monumental lies. "Obdurate" native editors and publishers were blacklisted and eventually sentenced to ruinous fines, long terms in jail, and banished on the most preposterous pretexts. And an artificial Slav (Croatian) press was set up, sustained by the Government under thin disguise. The honorable and highly respected native Italian judiciary was also uprooted and disqualified by the same means. The judges were "retired" one by one, or "deposed" on bogus complaints or formal, trumped-up charges, while a set of arrogant, corrupt, and unscrupulous Croatian magistrates were installed on the Dalmatian bench. To them, ever since, no Italian need apply, justice and fairness being out of the question for the "rebels," whose life in Dalmatia was made a curse and a burden.

The most shameful pressure was exercised throughout Dalmatia and other unredeemed Italian lands to weed out all the clergy of Italian blood or sympathies. The rural districts and country parishes suffered most in this respect. Filthy ignoramuses, with no other qualifications except their Croatian origin and "loyalty" to the political machine, were forced upon exclusively Italian parishes, to preach the gospel of Croatia and Agram, confess in the name of Vienna, and slander and insult everything Italian. No absolution for the "impenitent." The national clergy had to give in, become the tool of the political machine or leave the land. The slogan imposed upon the populace from the pulpit and the confessional was: "We are no longer Italians!"

The Plebiscite: "All hail self-determination, as President Wilson proclaimed it," said a great writer recently, "but it must be somewhat qualified or it can be used as a pretext for criminal injustice!" Clemenceau says the thug brought to justice has no right to self-determination to escape his fate.

Suppose Bernstorff's underhand propaganda had succeeded in including a solid million of the Germanic population of rural Pennsylvania to demand annexation to Germany, would the President and America have bowed to it with a "God bless you"? Would a plebiscite in Alsace-Lorraine, under conditions created there by 48 years of German tyranny and the franchise granted to half a million immigrated Germans, have meant a real self-determination for those Provinces? France was too wise to hear of such a course. Let the highway robber disgorge first, then we may talk it over.

The case of Dalmatia is identical with Alsace-Lorraine's, only aggravated by a longer foreign tyranny and worse conditions created by it under Austro-Croatian methods. A "plebiscite" in Dalmatia would be an outrage on the native population, upon common sense, truth, and humanity. The Croatians there are as much foreigners as the 700,000 Italians and the 500,000 Germans in New York. When all shall have been told and Italy shall have annexed all the lands of hitherto "unredeemed Italy," including all Dalmatia, Italy will have reaped less advantages proportionately and absolutely than any of the other nations concerned. Take it in square miles or in the number of people added to the kingdom, and you will find that Roumania will have more than doubled her territory and population. Serbia will have the treble or quadruple of both. With the most disinterested disposition, France will gather in her rightful heritage up to the Rhine. Even beaten Germany will be dangerously the gainer if allowed, in the name of self-determination, to swallow up the Teutonic parts of Austria.

But Italy never meant to and did not go beyond her natural geographic and strategic frontier of the Alps, either on the north toward Germany or eastward

toward Jugo-Slavia. But that frontier on the crest of the Julian Alps, the Velebit and Dinaric Alps, she must have and hold at all hazards and forever, or die. She will not "make" the Adriatic into an Italian sea, as German propaganda gold has led some unwary press agents to declare. But she will doubtless restore and preserve what has been for 20 centuries the "Italian lake" of the Adriatic, though some would fain make it into a Croatian pond and Balkanize all its shores.

Not that Italy should not come to an amicable understanding with the new neighboring State across the Julian and Dinaric Alps and grant Croatia and Jugo-Slavia commercial and economic facilities in some ports of southern Dalmatia, like Cataro, Ragusa, Gravosa or others. But if she should renounce or abandon her political rights on any of the cities and ports of Dalmatia, it would be tantamount to allowing the pan-Slavic camel to stick his nose into the Latin tent, and she would ere long have to fight another and more life and death war.

In this question all the Latin powers and the great Anglo-Saxon allies that have saved the world for freedom and democracy have a vital interest.

For Italy to surrender to the Jugo-Slavs what she rescued from Austria at such a staggering cost in blood and treasure would be the height of self-stultification and madness. She has suffered long enough from the mongrel frontiers imposed upon her by cruel neighbors, north and east. Long enough has she supplied distant cities and States with "windows" on her inner sea, and tolerated intruders in all those Roman-Venetian seaports of her eastern Adriatic coast.

To have soundly thrashed Austria and liberated Dalmatia simply to surrender it to the Jugo-Slavs of Croatia because they became a "republic" would be tantamount to having licked Germany and liberated Alsace simply to surrender it to the Junkers of Prussia because they became a "republic" at the last gasp of the empire.

Don't the big men at Rome and Paris see it? Are not the native rights of Dalmatia as good as those of our friends in Alsace, or those of the Poles in Posnania? Would the Peace Conference decree that the sporadic colonies of Croatians in Dalmatia and of German in Posnania and Alsace, have canceled the rights of the natives to decide the fate of the lands of their fathers? The Croats in Dalmatia, like the Germans in Alsace and Posnania, are just as truly immigrants in a foreign country as the millions of aliens that have landed on the shores of America within the past 30 or 40 years. Indeed, they are as foreign as the German hordes that have invaded and occupied Belgium and northern France during the past four years.

The President of the United States said that the Congress of Vienna was a "Congress of bosses" concerned with their own interests, not those of the people. The partition of Italy at Vienna was as cruel as that of Poland. It took Italy a century of effort and tens of thousands of martyrs to rise again and complete her unity, which would not be complete if Dalmatia were to be excluded forever. Irredentism would lead to another war ere long, for the liberation of Dalmatia.

It is to be hoped that the Peace Congress will remember the word of one of the greatest British statesmen: "Let us be just to all, but first to our allies, who shed their blood alongside of us!"

"If the Congress of Versailles does not undo the crimes of the Congress of Vienna against Dalmatia, it will have added another crime to history."

ITALY'S PART IN THE WORLD WAR—A CHRONOLOGICAL RECORD.

1914. When Italy emerged from her victorious war against Turkey she was unprepared for a new conflict, having almost entirely consumed her war supply and hundreds of millions of her treasure.

Not being bound to follow the Central Empires in a war of aggression Italy renounced at once (August, 1914) her alliance with Austria and Germany and proclaimed an armed neutrality, to side thus ostensibly with the Allies, in protecting the eastern and Mediterranean fronties of France.

Italy's decision was considered by the Germans as a "casus belli" for the day of their victory, which they then regarded as impending, and was acclaimed by the Allies with the greatest enthusiasm, since France could withdraw 600,000 soldiers from the Italian frontier, enabling Joffre to win the battle of the Marne.

It was at that time that the Germans opened diplomatic negotiations with a view to induce Italy to join them, promising through Prince Von Buelow terri-

torial compensations to Italy in her unredeemed provinces and in the Allies' colonies.

Although Italy realized what efforts she must make to become equipped for war, she hastened the gathering of a powerful army.

1915. In March, while the Austrian army was victorious over the Russians in Galicia, Italy signed the pact of London with France, England, and Russia, and declared war against the Central Empires, sending to the Isonzo her first divisions, which covered a front much longer than that of the French and English together.

As a result Austria was compelled to precipitiously withdraw large contingents from the Russian and French fronts to prevent an Italian advance; and the enormous pressure against the Russian and French armies ended.

Although deprived of coal and other raw material Italy, having at her disposal a large supply of soldiers, did not hesitate as early as October to send 60,000 soldiers to Saloniki and 20,000 soldiers to protect the retreat of the utterly routed Serbian army.

While the Italian fleet sheltered at that time more than 100,000 Serbian soldiers and 20,000 horses, providing them with food and clothes and transporting them far away from the line of fire for reorganization.

The Italian railroads, in spite of their physical condition and lack of coal for the movement of troops and munitions for the Italian army, were nevertheless able to provide also transportation to British and French divisions destined to Saloniki, contributing thereby to the safety of this expedition, as the Mediterranean was infested with enemy submarines.

1916. The war proceeding with perilous uncertainty at the French-English front Italy launched her decisive attacks on the Isonzo and the Carso. Austria and Germany were obliged to recall a part of their troops from the line of the Somme, to which also Italy sent to that line a reinforcement of 250,000 men. These Italian soldiers remained in France until the end of the war along with other 250,000 Italian workmen who, behind the lines or in French factories, released large numbers of French soldiers for action at the front. By this means the victory of the Somme was hastened.

But as in the meantime Russia and Roumania had fallen, the Central Powers repeated a greater attack on Italy in order to defeat her and thus be able to attack France from the south, as they expected to do if Italy had not sided with the Allies.

1917. The best troops of Austria, Germany, and Turkey being hurled against the Italian front. Italy, fatigued by the long struggle, already impoverished with respect to food, coal, and munitions, asked the Allies for reinforcements of men and material; but in vain.

It will be remembered that when the Italian mission came to the United States such statesmen as Nitti and Marconi kept urging America to send coal, steel, wheat, and munitions to Italy in order to prevent a disaser. Neither of their appeals was heeded.

And while Italy resisted the invasion of the Austrians on the plains of Vicenza, she could not resist the subtle and efficacious Austro-German propaganda which caused Caporetto, where some Italian troops, hungry and betrayed, opened a path to the enemy to the Piave, capturing an enormous amount of artillery, food, and munitions.

Then only the Allies realized too late the menace which was upon them and hurried to Italy two English and one French divisions, which however were not placed by the Italian supreme command on the firing line but in the trenches behind the Mincio; that is to say, 100 kilometers from the battle front.

It was then that Italy gave an astonished world the full measure of her power. Realizing that her cities were in danger, just as France realized before the Marne, awakened from the stupor caused by the unexpected disaster, she reorganized her armies and sent to the firing line even boys from schools. With bared breasts, only armed with cold steel, the Italian Army alone arrested Austro-Turco-German armies, once again saving at the Piave the destinies of civilization.

At last, realizing that Italy's financial conditions were most perilous, the United States Treasury Department gave Italy a credit of $235,000,000 following the appeals made by the American friends of Italy and by the chairmen of the Italian divisions of the Liberty Loan Committee in various parts of the country.

1918. In the spring of 1918 German pressure against the Allies was so great that they were hurled back at Bapaume and Cluny. And while the morale of

the allied armies was extremely low, Italy won the battle of the Piave, giving time to the American Army to organize itself in France, there to arrest the enemy at Chateau-Thierry.

In Macedonia the left wing of the allied army was held by the Italians. They did not give way an inch, thus permitting the advance of the Serbo-French contingents.

Italy, supplied at last with coal and iron, utilized the services of women and children in factories to provide munitions. She could hardly restrain her troops to make a new and desperate attack against the enemy. In vain the generalissimo of the Allies attempted to discourage an Italian offense. Gen. Diaz assumed for Italy the entire responsibility of his action before his country and the adverse advice of the Allies, and on the 24th of October attacked fearlessly and vigorously on the entire front.

For seven days the battle raged from the lagoon of Venice to the Alps, the most grandiose and bloody battle that the world has ever recorded, and at Vittorio Veneto the Austrian armies, utterly defeated, left behind 500,000 prisoners, 7,000 cannon, 50,000 horses, and cattle. Austria was obliged to ask for an armistice, offered unconditional surrender.

As a direct consequence of Italy's victory the southern boundaries of Germany remained unprotected, and therefore, as Italy could now open up the road to Vienna and attack the Germans from the rear, the German armies retired toward its permanent fortifications on the Rhine. Von Hindenburg and Ludendorff, realizing that at Vittorio Veneto they had lost the entire Austrian Army, the last hope of victory, accepted the conditional armistice on the basis of the principles announced by President Wilson.

HOW ITALY KEPT HER WORD.

Mobilized and equipped over 5,000,000 fighting men.

When Russia crumbled, Italy struck Austria so hard that Germany was forced to send help, so relieving her hard-pressed allies on the western front.

Italy sent 250,000 soldiers to France, where they fought for over two years—until the armistice.

Italy sent 250,000 soldiers to Albania against the invasion of the Austrians.

Italy sent 60,000 soldiers to the support of the allied armies in Macedonia when the Bulgars and Turks were crushed.

Italy sent 40,000 soldiers to the support of Gen. Allenby and his British forces in the Palestine campaign.

Italy sent 250,000 construction men to France, where they labored behind the lines for two years till victory was assured.

Italy rescued over 100,000 Serbian soldiers and Serbian civilians from the Austrian drive, took them to Italy in her own ships, and fed and clothed them from her own meager stores.

In October, 1918, in the greatest military victory in all history, Italy crushed Austro-Hungary, Germany's principal ally, and forced her unconditional surrender of over 1,000,000 fighting men, 6,000 cannon, and enormous military supplies, determining Germany's collapse on the western front. Italy was opposed by over 100 divisions of Austrians, Germans, and Turks and was aided by two divisions of English, one of Franch, one of Czecho-Slovaks, and the Three hundred and thirty-second Regiment of Americans.

Italy's total loss in the Great War, by the official figures, were almost as many soldiers, man for man, as the British, and compared to population she lost as great a percentage as France and twelve times as many as Great Britain and America combined.

Italy's total loss in killed and wounded on the Italian and Albanian fronts were 1,600,000, and of the wounded more than 500,000 were totally disabled. The official figures of allied losses follow:

	Population.	Dead.	Per cent
France and colonies	87,000,000	1,071,300	1.2
England and colonies	430,000,000	658,704	.15
United States and colonies	105,000,000	58,478	.06
Italy and colonies	38,000,000	560,000	1.4

Italy lost on the French front 2,391 dead and 6,886 wounded.

Italy lost in men of her navy, killed, 3,169, and 309 totally disabled.

Italy lost 61 ships in her naval operations, i. e., 5 battleships, 6 auxiliary battleships, 6 torpedo boats, 8 submarines, 8 destroyers, 8 cruisers, 4 mine drags, and other miscellaneous ships.

Italy suffered a loss of over half of her merchant marine. The advance of Italy in trade with the world in imports and exports had so increased up to the time of the war that her merchant marine could carry less than half of any other allies. The official figures follow:

	Total tonnage merchant ships.	Lost.	Per cent.
England	18,356,000	7,825,508	42.63
France	2,300,000	908,068	39.44
Italy	1,530,000	880,000	57.52

Now, when one is asked to consider the pleas of the so-called Jugo-Slavs, remember Italy was a staunch ally of England, France, and the United States; remember what she did in the war, and do not forget that the Jugo-Slavs have been the staunchest fighting mercenaries of the Austro-Hungary autocracy up to the very hour of the armistice, and that they have been fighting Italy ever since!

ITALY'S FINANCIAL CONDITION.

The Italian press commented last spring very favorably upon the proposal of the London Economist that Italy's debt of about £800,000,000 to England be wiped from the slate with one stroke of the sponge. Aside from this, Italy owes the United States $1,500,000,000. The argument advanced by the Economist was that Italy had suffered so much during the war and deserved a recompense of the sort. In other words, something more than mere praise for her part in the struggle.

Senator Ferraris, editor of the Nueva Antologia, discussing the Italian State finances, said that at the beginning of 1919 the cost of the war to Italy was figured at 70,000,000,000 lire, or $13,000,000,000 at the normal rate of exchange, equivalent to $333 per capita. This compares with an expenditure by the United States of $21,500,000,000, or $215 per capita. In those figures no account has been taken of the property losses in the invasion of the Venetian Province in 1917 for which Italy should be reimbursed.

In October, 1918, the Italian State debt was 49,000,000,000 lire, including over 15,000,000,000 lire owed abroad. As the prewar debt amounted to 13,000,000,000 it is estimated that the postwar debt may rise to over 70,000,000,000, including debt contracted for new public works. Before the war the expenses of the State were about 2,500,000,000, while now, on account of increased salaries and increased cost of material and supplies, the expense remounts to 7,000,000,000, including, of course, interest on the debt, pensions, etc., not to speak of the loss on lire exchange, reaching at present 80 per cent.

Before the war Italy's revenues were about 2,500,000,000 a year, which were consumed by the expenses aforesaid. It is figured that the new taxes are providing 2,500,000,000, so that there will be a deficit of 2,000,000,000 unless otherwise provided for by reduction of pensions and administrative economies. However, it seems as though the deficit should be in some manner covered by such indemnities as Italy will receive from her enemies or by new and intensified taxation.

When compared with the United States, Italy is a poor country, yet its debt will soon amount to over 50 per cent of the prewar national wealth, which was estimated at $30,000,000,000. The United States, instead, has a war debt of about $25,000,000,000, or but 10 per cent of the prewar national wealth of $250,000,000,000.

CONCLUSIONS.

Italy, unfortunately, did not organize or finance a forceful propaganda to make her sacrifices known throughout the world, but, regardless of that fact, it is not disputed that Italy was faithful to her allies and has always been faithful to the cause of civilization.

It is to be further regretted that Italy's aims and ambitions have been characterized as imperialistic and an infringment upon the newly created Jugo-Slav nation.

Was it not Italy that received the Jugo-Slav representations in Rome in 1918? Was it not there that the Jugo-Slavic aspirations were first recognized, and was it not Premier Orlando who, in speaking for the Italian nation, promised to assist them in the realization of their rightful claims?

Much has been said about the Treaty of London, but it is indisputable that Italy has an inalienable right to the terms guaranteed to her under that treaty. Her national existence and the safety of the world depend upon the proper rectification of her natural boundaries. The annexation of the Provinces of Venezia, Julia, Fiume, and part of Dalmatia is the completion of the Italian national and geographical unity, that unity for which the Italians have been struggling for long years with perfect faith in the justice of their cause.

After four long years of suffering, of destruction, of hardships such as to try the faith of mankind, the people of this world have entered upon a new era of international justice and fair dealing, which will insure to them and to the coming generation that peace and freedom of action which are so necessary to their progress and liberty.

The articles of the league of nations is proof of the sincere effort on the part of the great statesmen gathered in Paris to lay the firm foundations for the future peace and well-being of this universe. Though only a beginning, it is a substantial step toward the construction of that mighty barrier based upon universal right and justice which will arise to protect the world against future conflicts. And, however much, some of our public men may rant against it, however much they may find fault with it, and seek to discredit it, and the efforts of those men out of whose minds it was created, it will stand to the everlasting credit of humanity.

The days of dark diplomacy and false dealings have passed; justice is the by-word to-day, and let us say that justice will be meted out to all, and Italy's claims will be granted to her not because of her secrifices in this war, but because truth and justice demand the security of her confines, the safety of her race and of her civilization.

OPINION OF PROMINENT MEN ON ITALY.

President Wilson to Hon. Charles E. Hughes, president of the Italy-America Society, May 24, 1918:

"I am sure that I express the sentiment of the whole country when I thus express my admiration for Italy and my hope that increasingly, in the days to come, we may be enabled to prove our friendship in every substantial way."

George Clemenceau, Premier of the French Republic, in a letter to Ex-Premier Luigi Luzzatti, April, 1919:

"You can not doubt, my dear illustrious friend, that I am animated by the same sentiment toward Italy as are yours toward France, for I have esteemed it an honor to manifest them in darker days. At the hour of signing peace there can be no question of disregarding our reciprocal engagements. French policy is not a 'scrap of paper.'

Robert Lansing, Secretary of State, May 23, 1918:

"The people of Italy, as of this country, must not doubt for a moment the outcome. * * * As sure as there is a just God in heaven, the day will dawn when victory will crown the eagles of Rome, as in ancient days, and, side by side with the victors and sharing their glory will be the eagles of America!"

Theodore Roosevelt, Ex-President of the United States, May 24, 1918:

"I take this opportunity to pay homage to the high valor and lofty idealism that Italy has shown in this great struggle for humanity and civilization against Germany and her vassal confederate states Austria, Bulgaria, and Turkey. I most earnestly hope that Italy will be able to round out the great work of Victor Emanuel, Cavour, Mazzini, and Garibaldi, and that the Italian-speaking provinces of Austria will take their natural places in the Italian Kingdom. * * * Our country owes a deep debt of gratitude to Italy for what she has done, and I earnestly hope that we shall pay this debt as generously as possible, and in as fine a spirit as Italy herself has shown."

Newton D. Baker, Secretary of War, at the celebration of Italy Day in New York, May 24, 1918:

"Upon this day we celebrate the fact that Italy has for three years bravely faced the sacrifices which this war entails. On behalf of the American people and the American Army, we send you grateful messages."

Gen. Ludendorff, formerly quartermaster general of the German Army, from a dispatch from Paris, March 12, 1919:

"Ludendorff stated that if Austria had been able to release even a small number of her divisions to help Germany on the western front the war would have been won by the Central Empires before America could have had time to send reinforcements to the Allies. Ludendorff stated further that the position of the Central Empires became precarious when Italy abandoned her neutrality to join the Allies, but it became altogether disastrous in June, 1918, when Gen. Diaz foiled the Austrian offensive on the Piave, in which the Austrians had employed their best troops and all their resources."

Maj. Gen. William Crozier, United States Army, June 1, 1918:

"Italy is responding nobly to the needs of the great cause she shares. The Italian people, from my observation, are a unit in their support of the war aims of their nation. They are a wonderful people, both as warriors and as craftsmen. I visited all their great war plants. Their production of munitions is awe-inspiring. In their retreat before the Austrians before the opening of last winter they lost many big guns, weapons essential to defense and offense on the terrain where they were fighting. They have replaced all guns lost, and, better than that, have produced many more than they have ever had before."

Hon. Charles E. Hughes, Ex-Justice of the United States Supreme Court, president of the Italy-America Society, May 24, 1918:

"We have appreciated altogether too little in our appraisements of the achievements of this war what Italy has accomplished. * * * We have given our praise to France and Great Britain; we must give the just meed of praise to the extraordinary accomplishments of Italy; for following that fateful day of which this was the anniversary there was achievement after achievement, which must forever hold high place in the records not only of daring and exploits, but of the most efficient organization in connection with the history of the war."

Prof. Charles Upson Clark, director School of Classical Studies, American Academy in Rome, December, 1918:

"We do not realize that Italy lies at the mercy of the power controlling the eastern Adriatic harbors; that the Slovenians and Croats have always been under German-Austrian control and that the Germans will undoubtedly bend every effort to getting an Adriatic base of operations through the north Jugo-Slavs, and that Italy's sacrifices and successes in our common struggle entitle her, as in the case of France, not merely to our sympathy but to our active aid in protecting her against the next outbreak of unrepentant and rejuvenated Teutondom. We all wish the new Jugoslavia well; but every student of Austria and the Balkans feels that it is not wise to trust too fully the Croatians and Slovenians, who were among the staunchest supporters of the Hapsburgs and our bitterest enemies on the Italian front."

Hon. John F. Hylan, mayor of New York City, May 23, 1918:

"Italy's invaluable contribution of human and material resources in this awful conflict will long be remembered, for she has participated gallantly in three years of the hardest fighting. We rejoice in her victories and will stand by her until complete victory crowns the efforts of the Allied armies with speedy and triumphant success."

William Dean Howells, author:

"I never knew an American who did not love Italy and was not proud to share citizenship in Italy's ideal Republic that invites all children of liberty. I lived in Venice during the last four years of Austrian domination, and it is my old age's greatest grief to see the Austrians again near the lagoon. My most fervent hope is that I may live long enough to see them driven from Italy forever."

William Roscoe Thayer, author and historian:

"We owe Italy a further great debt of gratitude because she did not allow herself to be driven by popular clamor and reptilian intrigues to take part in the war prematurely. Had she done so, nothing could have prevented the Austrian armies from sweeping into Venetia and Lombardy and putting Italy out of the war before she had really entered it. Such a disaster at the outset would have had a most depressing effect on the other allies and might have brought about an irrevocable disaster."

Prof. George S. Herron, publicist, speaking of Italian aspirations at the peace conference, June, 1919:

"Although I did not know the President's mind about the matter, * * * I none the less believe that those upon whom he depended for his information have misinterpreted the Italian problem. * * * It does not follow, however, that his judgment of European questions is always infallible, especially as his judgment must depend in a large degree upon the opinions of the incredible 'experts' who have swarmed Europe as a positive pest and who have no actual knowledge of these nationalities, no actual knowledge of human beings, no actual knowledge of modern economic and political processes."

THE AMERICAN PRESS ON ITALY.

Throughout the United States hundreds of dailies at the epoch making of Italy's victory at Vittorio Veneto, November, 1918, when she destroyed the Hapsburg secular autocratic empire—35,000,000 Italians against 53,000,000 enemies—German, Slav, Turk, Magyar—chanted high, very high, the lauds of the Italian army's and nation's might.

"Italy's part in the war was potential and momentous."

Some titles from "American editors' tribute to Italy" (New York, December, 1918), taken at random, well conveys national sense and consensus of the American press toward Italy's deeds of valor and sacrifice in the World War:

"Italy the immortal" (The Journal, Minneapolis, Minn.).
"America rejoices with Italy" (Hartford (Conn.) Courant).
"Heroic Italy" (Milwaukee Journal).
"What the world owes to Italy" (New York Evening Mail).
"Deserves praise without stint" (Evening News, Rutland, Vt.).
"Paved way for German surrender" (Herald, Gloversville, N. Y.).
"Italy's victory" (Daily Eagle, Brooklyn, N. Y.).
"The debt to Italy" (Herald, Rochester, N. Y.).
"Italy's Astonishing Achievement" (The Globe, New York).
"Italy's splendid triumph" (Oregonian, Portland, Oreg.).
"Honor to Italy's victorious armies" (The Binghamton Press).
"Naval heroes" (Republican, Providence, R. I.).
"The Alps' bridge builders" (Post-Telegraph, Camden, N. J.).
"Faithful Italy" (Boston Transcript).
"Glorious Italy" (Buffalo Express).
"The glory that is Italy" (The Indianapolis Star).
"The new Italy" (Times-Tribune, Bay City, Mich.).
"Great days for Italy" (New York Herald).
"Italia! Italia!" (The Daily Mining Gazette, Houghton, Mich.)

The CHAIRMAN. Is there anyone else to be heard?

Mr. COTILLO. Mr. Chairman, we have here an American citizen who comes from Fiume, a native of Fiume, Mr. Ernest Papich, of New York City.

STATEMENT OF MR. ERNEST PAPICH.

Mr. PAPICH. Mr. Chairman and honorable Senators, I am an American citizen. I was born at Fiume. My family has belonged for generations to the city of Fiume. I left Fiume, as many others did, refusing to be under Austrian military rule, and came to this country to become a good and faithful citizen.

I asked to come before this committee to assert and to describe the spirit of my native city.

My first words were in the Italian language, and through my childhood I did not hear any other language but Italian, which is not only spoken by the great majority of our population but venerated with pride as our most sacred link with our motherland, Italy.

I will tell you also that my fellow citizens never thought of any other country but Italy, and that the small minority of Slavs at Fiume were never seriously spoken of and never were represented in any municipal activity.

My fellow citizens are ready to die and to defend their world-wide, well-known Italian sentiment. At Fiume not only the hearts of the population but even the stones are Italian.

Buildings, churches, and monuments were built by Italians thousands of years ago. Hard as these stones is the will of Fiume to defend and preserve the Italianity of their city.

My fellow countrymen fought for this sentiment hundreds of battles, and they hope now that this one will be their last struggle.

Fiume, according to history having always been an independent and free city, is entitled as any other free people to recognition and respect. It is simply repugnant to me to think that anybody else shall contest Fiume's own wishes after so much suffering and the many sacrifices of its people.

I was recently informed by a friend of mine, who is a member of the National Council of Fiume, that there is only one watchword: "Italy or death!"

Honorable Senators, since Fiume asked, from the very beginning, for the protection of the American democracy, I myself, being proud of my American citizenship, I dare to affirm that we can not fail it in its confidence and expectation that we must uphold Fiume's intangible right to self-determination against everything and everybody.

The CHAIRMAN. Is there anyone else who wishes to be heard?

Mr. COTILLO. Yes; Mrs. Curry.

Senator MOSES. Senator Cotillo, before going on with another witness, may I ask you one question?

Mr. COTILLO. Yes, sir.

Senator MOSES. Do the Fiumeans regard the League of Nations as a suitable instrumentality through which to attain their aspirations?

Mr. COTILLO. No, sir. The answer to that is that after they were heard at the conference between their representative, Premier Orlando and President Wilson, they came back with a strong resolution stating that they simply rebelled against it, and that they would go to the American shores for assistance.

Senator MOSES. Then they would not think of turning to the League of Nations?

Mr. COTILLO. Evidently not, from their resolution.

The CHAIRMAN. They are the same people who are making the appeals.

Mr. COTILLO. Mr. Chairman, if there is any question that the Senators would like to ask to relieve their minds, I believe there are men here who are competent, far more than myself, to answer questions, and if there are any other questions desired to be asked, I would like to have them stated now, so that if I can not answer them I can obtain the information.

The CHAIRMAN. Very well.

Mr. COTILLO. I understand that Mrs. Curry is very much interested in this matter and has requested an opportunity of appearing before the committee.

STATEMENT OF MRS. MARIAN CURRY.

Mrs. CURRY. There is very little that I want to say. I simply want to say that we have been so universally accused of not attending to our own affairs, but, on the contrary, I think it is our affair that the people be safe and contented, and that the Fiume question is the most vital part of it at this time, and I want, as an American citizen, and in the name of the many American citizens who have not been befogged by the Jugo-Slav propaganda, to lodge a most violent protest against Fiume passing into the hands of a group of people who, for the time being, are so irreconcilable as the Jugo-Slavs have been up to the present time.

The CHAIRMAN. Have you lived in Fiume, Mrs. Curry?

Mrs. CURRY. No; I have never lived in Fiume.

The CHAIRMAN. Have you been abroad recently?

Mrs. CURRY. Yes, I have, and I was in Paris during Holy Week, during the week before Easter, when the Fiume matter came up.

The CHAIRMAN. Were you connected with the work of the peace conference?

Mrs. CURRY. I was not officially; but I was acting as unofficial secretary to some one who was connected with it at the time.

Senator MOSES. Were you familiar with the discussions that went on at Paris with regard to the disposition of Fiume?

Mrs. CURRY. It was a matter of such common talk that I think almost everybody was in one way or another.

I think it is not so much the Italians having called attention to the fact of Fiume passing into the hands of the Jugo-Slavs, but that came from the English side. But they themselves did call attention to the fact that they must supply the northern countries with a port, and from the unstable condition that they were in that they would fall a prey perhaps easily to German influence.

Senator MOSES. Did you ever hear of any financial question respecting the railroads of the Dalmatian coast as being considered in the Fiume question?

Mrs. CURRY. You mean—that one is, I believe, that the bonds of one are largely in German hands, is it not?

Senator MOSES. I am trying to verify the information, whether it is true that there were two groups of bondholders there.

Mrs. CURRY. I suppose the others are supposed to be in the hands of some French bankers.

Senator MOSES. Do you know what banking house controls the German group?

Mrs. CURRY. I do not know, but I think it is a matter largely published, I think it has been quite universally discussed, and I think that probably some of the records are in the archives of the committee at this time.

Senator MOSES. No; we have not anything.

Mrs. CURRY. I think anything of that nature would have to be—I am afraid I can not submit proofs of that.

Senator MOSES. Do you have any direct information with reference to discussions of this subject which went on between the members of the peace commission?

Mrs. CURRY. No; no official knowledge.

As I say, my desire was simply to launch a very vigorous protest about Jugo-Slavia, acquiring Fiume, because there has been some universal discussion, perhaps not of an international purport, but as to who had the desire to control that part of the world. That was really Germany's idea, I believe, in the war. I do not think she cared anything about the West. I think England recognized that when she took the mandate over Persia.

Senator Moses. Do you know whether the Hamburg Banking House of Warburg was connected with the financial interests of any of the railroads on the Dalmatian coast?

Mrs. CURRY. I do not think that anybody knows that, but it has been so published—has been so suggested.

Mr. Field says that he will present that.

Italy has made a fair offer for the arbitration of Fiume, and to make of it a perfectly free port, and it seems to me that our only safety lies in making it into a free city of some sort, under the administration of Italy. It would be dangerous to present the administration of it to an unstable group.

The CHAIRMAN. Are there any further questions that you desire to ask of Mrs. Curry?

Mrs. CURRY. I think that is all. Thank you.

Mr. COTILLO. I understand that yesterday the railway situation was presented before this committee by the members of the Jugo-Slav committee, and I think that Dr. Vaccaro, who comes from Wilmington, has a paper prepared on that subject, if the committee will hear him.

The CHAIRMAN. We shall be glad to hear Dr. Vaccaro.

STATEMENT OF DR. L. VACCARO, OF WILMINGTON, DEL.

Mr. VACCARO. Mr. Chairman, and members of the Committee on Foreign Relations of the United States Senate: So much has been said about Fiume and Dalmatia that any person interested, in one way or the other, in the work of the peace conference must have at least a superficial personal opinion of the Italian character of the city and region.

Leaving to others the task of discussing the historical, geographical, ethnological, and practical reasons whereby Fiume and Dalmatia should be incorporated in the Italian kingdom, I would like only to say a few words about the right of self-determination which some statesmen would deny to the inhabitans of Fiume.

It has been said that Italy asked for Fiume only after the fall of the Hapsburg dynasty, but the truth of the whole matter is this: It has been Fiume itself that has expressed its desire to be annexed to Italy, exercising its right of self-disposition in full accord with the declaration made by the President of the United States. Moreover, Fiume placed itself under the protection of the people of the United States in the event that some opposition might be made in the exercise of such a sacred right and finally by public proclamation declared herself annexed to Italy, when rightly or wrongly, the people of Fiume thought that their right of self-determination was becoming a matter of bargain for some of the peace conference delegates. The question now arises was Fiume entitled to exercise the right of self-determination as such right was understood by the President of the

United States? If there ever was a State, a community in Europe, which knew what self-determination meant, and how to exercise such a right, that community or State was Fiume.

The citizens of the free community or free municipality of Fiume decided on July 20, 1530, to place themselves under the protection of Ferdinand I, under certain conditions, accepting certain duties but without renunciation to the personality of the community, whose historical boundaries were recognized by imperial patents issued by Emperor Ferdinand himself. On the force of that patent Fiume was annexed to the crown, but as a separate body, corpus separatum and its status was confirmed by Maria Theresa in 1789, and by the Hungarian Parliament in 1868. In plain words, up to October 30, 1918, the empire of the Hapsburgs was formed by three States, viz, Austria, Hungary, and Fiume. With the collapse of the Hapsburgs, the compact stipulated between them and Fiume became void and null, and the citizens of Fiume, free again of any ties or obligations, decided to annex themselves to Italy. This decision was a bona fide one and was taken through the proper and right channels and in a politically legal form.

Now if we were to trust what has been said here and there, it would appear that when Fiume proclaimed her annexation to Italy on the basis of her right of self-determination, a sort of a dilemma was put to Italy by her allies: If you take Fiume, then the treaty of London shall be considered void and null, because Fiume was excluded from the pact; if you want the fulfillment of the Treaty of London, then Fiume must go to Croatia. I must candidly confess that I am not able to follow the argument.

Let us suppose that Fiume was excluded from the pact of London for unselfish reasons, for the reason that Austria-Hungary could not be deprived as a nation (republic or empire does not matter) of an outlet to the sea. At that time nobody hoped that Italy would be able to completely crush the Austrian dynasty, and perhaps it was right to leave Fiume to Austria. But now, with the break-up of the Austrian Empire, we have Austria, Czechoslovakia, and Hungary, who have become inland powers and who consequently have as much right to Fiume as Switzerland has to Genoa or Marseille. Fiume is an independent body, and as such, exercising its right of self-determination, chooses to be annexed to Italy. How could and why should Italy lose the rights acquired by the treaty of London in accepting the decision of the free state of Fiume?

We have been told that it is because the new State called Jugo-Slavia needs an outlet to the sea. But what do they mean when they say Jugo-Slavia? If it is a question of Croatia, Bosnia, Herzegovina, and Serbia as a whole, it is clear that Fiume is not the natural outlet to the sea of any of them. The future of Serbia points "toward the south" will be our motto from now on, wrote Prof. Ciwije, of Belgrade University, in 1913, and he was thinking of Saloniki.

On August 6, 1916, the Serbian Premier Pasic said, "We can not deny the incontestable right of Italy to the hegemony of both sides of the Adriatic. We are only looking for an economical outlet," and such an outlet was considered more than sufficient in a strip of territory between Ragusa and Cattaro 3 miles long. And again, another Serbian official said, "The harbors of Dalmatia are useless to us,

because they are eccentric to Serbia." And so they are, especially Fiume, which is the most eccentric of them all. What has been said of Serbia can be applied to Bosnia and Herzegovina, which lie between Serbia and the Adriatic.

Then Fiume would be the natural outlet of Croatia. But it is not, since only 7 per cent of all the trade passing through Fiume is Croatian and only 13 per cent of the import and export commerce of Jugo-Slavia pass through Fiume. Then it appears clearly that the Croatians want Fiume not for their trade, but to acquire a predominance over Hungary, the Bohemians and Germans, substituting themselves for the detested Hapsburgs. It is for the reason that the Croatians want to resuscitate another powerful Austria that the people of Fiume protest against being forcibly annexed to Jugo-Slavia; that the Italians naturally can not suffer their brethren to be again subjected to the gallows of their oppressors, and Italy wishes to insure her security on the Dalmatian coast. It should be born in mind that Croatia already has natural outlets, e. g. Buccari, Porto Re, Carlo Pago, and Segna; Serbia and Herzegovina have Trau and Spalato, Marcassa, Gravosa and Ragusa, Castelnuovo, Cattaro, Antivari and Metcovitch which is with Spalato, the natural outlet of Jugo-Slavia, as it stands at the terminal of the only railroad system that goes from the sea to Sarajevo and Belgrade.

It is claimed that Fiume is needed by Jugo-Slavia because that is the only port served by a normal guage railroad. Now a regular gauge railway will never be built in Jugo-Slavia because the whole country is served and shall be served by narrow guage railroads.

Mr. Sanjanovic, a Slav civil engineer, railway adviser to the Jugo-Slav Government, on March 12, 1919, made this statement: "Examined the situation of Spalato as compared with that of Fiume and Salonica, with regard to the outlets of Jugo-Slavia. I may conclude that by the construction of two comparatively short and inexpensive railway lines, Spalato will acquire for Jugo-Slavia's trade an importance equal to that of Fiume and Salonica."

Mr. Sanjanovic justly remarks that the railway system of the new State will thus be formed by two distinct parts:

1. A main, normal-gauge line from Steinbruck to Zagabria, Belgrade, Nisch, and Salonica, for international intercourse between West and East;

2. A series of transversal lines for national traffic, linking up the various centers of the new Kingdom amongst themselves and with the sea. These latter would be narrow-gauge railways, like most of those built by the late Austro-Hungarian Government and by Serbia.

It follows that the ports of national importance for Jugo-Slavia will be those on the Adriatic connected by the narrow-gauge lines and evidently not those (like Fiume, etc.) connected to the main line.

Mr. Senjanovic shows also that the new lines of Jugo-Slavia will have to be narrow-gauge ones, both because the country has already 2,000 kilometers of narrow-gauge lines and because narrow-gauge lines are so much cheaper, although affording a high transport capacity.

"In Bosnia," says Mr. Senjanovic, "narrow-gauge railways attain a speed of 45 kilometers an hour, a speed which could not be exceeded, in mountainous regions, by normal-gauge ones. Modern narrow-gauge trucks can be built to carry from 15 to 20 tons, that is to say, the same as normal-gauge ones. The Doboi-Serajevo line had 30 trains a day and the yearly earnings reached 35,000 crowns a kilometer in 1911, as compared with 40,000 crowns for the normal-gauge lines, and from 16,000 to 20,000 on the secondary lines."

In 1912 the Brod-Serajevo Line transported 1,641,000 tons per kilometer, or 4,500 tons per kilometer a day, equal to 225 fully loaded trucks; similar results are found only on very active normal-gauge lines.

All the data have been taken from the following official documents.

We know that Jugo-Slavia has plenty of harbors for its present and future commerce. The statement often made by Jugo-Slavs that Italy wants to block forever Jugo-Slav commercial expansion by taking over the Dalmatian coast is absolute falsehood. The Serbians wanted only 3 miles and instead they have now more than 600. Italy has claimed no more than 200 miles, excluding for instance Spalato, which makes its living almost exclusively on Italian trade. In fact, Spalato has an electric plant for the production of 60,000 horsepower, built by the Italians with Italian capital, and from Spalato 400,000 tons of cement were yearly exported to Italy.

Italy wanted a part of Dalmatia which had retained its Italian character and some Dalmatian islands which constitute a tremendous danger to her. These islands can hide and protect by a system of mine laying the navy of Jugo-Slavia or any of her allies, which could attack at will the occidental coast of the Adriatic, studded with beautiful cities, and return safely to their abodes before the Italian Navy might be able to defend the coast. The recent war has confirmed Italy in her conviction that she needs protection on that side. Unable to confute such military reasons the Jugo-Slavs say it was all right to seek protection in the past, but now we have the league of nations. It is fine rhetoric and fine philosophy, but a league that has to hang on another league of three nations to be of any value arouses great suspicion of its own protective value. I can not blame the Italians if they demand a more tangible form of protection.

The last argument used by the Jugo-Slavs is that the majority of the population in Dalmatia is Slavic. Therefore these lands fall to Jugo-Slavia on the principle of nationality. Now, the question of nationality has nothing to do with the question as to how many Slavs will be included within Italy's frontiers or to how many Germans will be included within the French frontier on the Rhine.

Dalmatia is claimed by Italy as unredeemed land, just as Transylvania is claimed by Roumania and Alsace-Lorraine by France.

In Transylvania there are 1,472,021 Roumanians and 1,206,346 Magyars and Germans. In Alsace and Lorraine before the war there was the following proportion between Germans and French:

Lorraine—481,460 Germans, 73 per cent; 146,097 French, 27 per cent.

Upper Alsace—481,375 Germans, 93 per cent; 31,771 French, 6 per cent.

Lower Alsace—671,425 Germans, 96 per cent; 26,394 French, 3.7 per cent.

In all, 1,634,260 Germans, 87 per cent; 204,662 French, 10 per cent.

I don't care to belittle the sacred aspirations of France, but wish to demonstrate that the proportions existing in Dalmatia between Italians and Slavs is more or less equivalent to that existing between the French and Germans in Alsace and Lorraine, two provinces which were restored to France without discussion. This shows that the principle of nationality can not be defined by the simple process of counting heads, by taking the individual out of his surroundings, out of his national traditions, out of his political and social ties, with his forerunners and the people living around him at present. If you take him out of the whole series of interdependent national relations you make the individual universal. You make of him an antisocial and antipolitical being. You do, in other words, what the Bolsheviks have done in Russia and elsewhere. The Slavs in Slavia and Dalmatia, as well as the Germans in Alsace and Lorraine, can not be separated from their environment and considered as individuals. The Slavs find themselves in territory which is Italian historically, geographically, and by right of strategic necessity. They must bow to this condition, because it is more important to the world that a great nation should be made secure than the liking of a few thousand individuals should not be thwarted. Naturally there are also the rights of Jugo-Slavia to be considered if Jugo-Slavia will become a nation. In fact, where the Slav national rights will necessitate the inclusion of some Italians within Jugo-Slavia's boundaries, these Italians shall have to bow to a superior interest.

That is not the case of Fiume, however, whose people are entitled to the principle of self-determination, nor the case of that part of Dalmatia which was assigned to Italy by the Treaty of London that is indispensable to the security of a nation of 40,000,000 inhabitants, a nation which has paid the full price in blood, suffering, and wealth to acquire that security. Because that part of Dalmatia was under the yoke of the Hapsburgs, it has been possible for the Austrian fleet, a few hours after the declaration of war, to pour upon cities and destroy churches and schools, to kill women and children, and fly away, refusing, up to the last, the challenge of the Italian sailors. Should a new war break again, in spite of all our efforts, in five years or in a century, the Italians do not want a repetition of what happened in the past. They want that the churches and cities be spared that the priests might pray and women toil and children grow in safety at least. It is for the assurance of such a future that more than 500,000 Italians died on the battle fields, more than 900,000 were severely wounded, and millions and millions of men, women, and children suffered cold and hunger and swallowed silently their bitter tears. They hoped for the justice of Italy's allies, and especially America, and they must not have hoped in vain.

Senator HARDING. What port do you suggest that Jugo-Slavia should develop?

Dr. VACCARO. Metzovic is the most central of them all. I have some maps here, Senator, which show that Metzovic is the most centrally located one.

Mr. COTILLO. I have a telegram here from John J. Freschi, who regrets his inability to be here, and desires to be recorded at the hearing of Fiume before the committee as favoring Italy having Fiume, and he states that if it pleases the Senate committee he will file a memorandum, including exhibits.

Now, Mr. Chairman, we have here a gentleman, Mr. Field, who has requested me to ask for a few minutes of your time.

The CHAIRMAN. Very well.

STATEMENT OF MR. W. H. FIELD.

Mr. FIELD. I desire to file with you statements signed by people who were present in Paris and in Italy during the recent negotiations, which statements will show that Col. House was in favor of giving Fiume to the Italians and that President Wilson opposed it.

I will also file statements and publications from England which show that the Hamburg banking house of Warburg was interested in the railroads, and for that reason is interested in the Fiume decision, and that the matter is one which should be gone into very carefully, as it is divided into two camps.

Senator KNOX. What position does the Warburg bank take in the matter?

Mr. FIELD. They wish Fiume not to be an Italian port. Opposition to that has been shown, and I think if you go over carefully the publications that came out abroad on both sides, you get a very accurate view of the financial interests, and if you have some of the statements by those who took part in the negotiations, you will see clearly that in the American delegation there was a rift, on the one side the President, and on the other side Col. House, and some of those witnesses did not wish to appear and some are not available in this country, but it is stated that they are willing to make signed memoranda to be delivered to the Foreign Affairs Committee. Now, those I will file as rapidly as possible with the committee.

(Subsequently the extracts referred to were submitted and are here printed in full, as follows:)

[Extracts from Modern Italy, published May 24, 1919; June 21, May 31, May 17, and May 10, 1919, respectively.]

THE BRITISH MERCANTILE MARINE.

But the group goes even further. According to Pertinax in the Echo de Paris, April 28:

M. Max Warburg is the chief of the banking firm Max Warburg & Co., of Hamburg. He is the principal shareholder in the Hamburg-American and German Lloyd Steamship Lines. His two brothers, Paul and Felix Warburg, married respectively to the sister-in-law and the daughter of M. Jacob H. Schiff [1] (born at Frankfort) are the associates of the latter at the head of the Kuhn Loeb & Co. bank of New York. Here we have a financial group which, up to the declaration of war by America, in April, 1917, was the most powerful link between the politicians of Washington and those of Berlin.

From 1914 to 1917 this powerful syndicate showed itself extraordinarily active against

[1] It should not be forgotten that Mr. Jacob Schiff, according to Pertinax, has been the great financial supporter of the "Mutual Society of German Jews," which was linked and is still probably linked on many sides with high German circles, and that in 1916 he founded the American Neutral Conference Committee which took upon itself the task of bringing about peace with a victorious Germany.

the Entente. In 1915 the Warburgs of the Old and the New World tried to have the interned German ships acquired by the United States. For a moment, says Pertinax, it looked as if they were to succeed.

But, to-day, according to the Globe, they have actually succeeded after four years' effort, and the comment of that paper on May 17, under the title, "Done again," is instructive:

"According to the special correspondent of the Daily News in Paris, the mooted seizure of German ships in American harbors has now become a fait accompli. The vessels, we are told, "are to remain American property, and America will pay their value into the pool out of which reparation payments are to be made." That is an arrangement which may possibly satisfy the United States, but it will certainly not placate public opinion in this country. Mere money payment can in the circumstances of the case be no compensation. It may be equivalent to the value of the ships, but it certainly can never be accepted as reparation for the loss of transport to British shipping. Apart from that side of the question, which betrays the usual American desire to get the better of a deal, we have to consider that these vessels would never have been in American harbors but for the vigilance and efficiency of the British Navy. Further, they were driven or held there while America was a neutral and President Wilson professed inability to distinguish the rights and wrongs of the contention with Germany. It is not out of place, therefore, to inquire wherein lies the peculiar efficacy of the League of Nations if it can not be trusted to deal with a situation like this. Has its millennial virtue already gone out of it, as in the case of the projected Triple Alliance? This decision, if such it proves to be, is plainly against the dictates of common honesty, and is nothing short of an outrage on international decency. No doubt our delegates will be, as usual, fertile in evasion and excuses. But these will not satisfy the country, which regards the disgraceful business as a national affront. In plain English, we have been done again."

Not so long ago the Globe had an article, "Watch Warburgs!" There may be more important people yet to watch than Warburgs. But so far so good. Watch Warburgs in the case of Poland. Watch Warburgs in the case of Italy. Watch Warburgs at Danzig and Fiume. Above all, watch Warburgs in the case of England, and let it never be forgotten that already in 1915 the Warburgs of the Old and New World tried to have the interned German ships acquired by the United States.

Let us also not forget that, according to Pertinax, M. Max Warburg is one of the German plenipotentiaries at present at Versailles. Is this gentleman one of that group of international financiers to whom Mr. Herron alludes "who are diplomatically privileged, who are the cause of all the political and moral failures of the peace conference, on the shoulders of which will fall the responsibility of the ruin which threatens the world?"

It is well we should be on our guard. We are told sometimes by short-sighted or interested persons that this politician or that is responsible for the errors of the peace conference. The Times, for example, and Mr. Simonds attribute some of them to Mr. Lloyd-George. Others, irritated by the platitudinous language and colossal vanity of President Wilson, ascribe them to Wilsonian ideology. Probably both are wide of the mark. The truth may lie elsewhere. Behind the politicians there lies a power superior to that of the greatest politicians in the world. These latter "strut their little hour upon the stage." We watch them carefully. We applaud or we decry their little antics. Punch sometimes bellows forth his "principles," waves his big stick, and beats his wife. The wife sometimes assails him for being faithless to his principles. The spectators listen with palpitating hearts. But it would be not only more prudent but more just if, unlike deluded children, we watched the power that pulls the strings. Watch Warburgs! Palmam qui meruit ferat.

Therefore to our Polish friends who speak bitterly of England, we would say, Watch Warburgs. To our Italian friends who speak bitterly of England and America, Watch Warburgs! And to all those Englishmen incensed by the fact that, after losing 2,197 ships of 7,638,020 tonnage, in comparison with 80 ships of 341,512 tonnage lost by the United States, the finest ships in the German mercantile marine, whose tonnage is double the American loses, will be kept by America—for we are told by Mr. Hurley that "Whatever method of adjustment is adopted, the ships will certainly be kept by this county"—we would say again, Watch Warburgs!

When the prestige of England is declining both in Italy and Poland, when the faith of her friends in her is nearly broken, when she loses her old friends and makes no new ones, when danger threatens her in Egypt and in India—Watch Warburgs! When schemes are afoot for the destruction of the Polish trade by sea with England; for the destruction of the Italian mercantile marine and the annihilation of Anglo-Italian trade in the Levant; for the seizure of the German ships and the capture, by this blow to the British mercantile marine, of the trade of South America—Watch Warburgs!

THE LEAGUE OF NATIONS AND INTERNATIONAL FINANCE.

On June 10 the Morning Post, under the headings "The Leakage of the Text," "Financiers Subpœnaed," published an astounding piece of news. The news was communicated in a Reuter telegraph of June 9 from Washington, and runs as follows:

"The Foreign Relations Committee of the Senate have subpœnaed Messrs. Jacob Schiff, Lamont, Davison, Warburg, Morgan, and Vanderlip, in connection with the investigation [an investigation of the Senate as to how copies of the treaty reached private interests in New York]. They have also invited the Acting Secretary of State, Mr. Polk, to take part in the inquiry, and to cross-examine the witnesses. The financiers mentioned above, with the exception of Mr. Vanderlip, have been called at the instance of Senator Borah, who told the committee that he was convinced that they were familiar with the contents of the treaty, although he had never seen a copy in their possession."

"Senator Borah," the telegram goes on to say, "has charged the international bankers of New York with being interested, 'for private reasons,' in the adoption of the league of nations covenant."

It adds that "the committee have requested Mr. Lamont, who is a member of J. P. Morgan & Co., to produce any correspondence between the Morgans and their Paris and London agents regarding the treaty, and particularly any communications with Mr. Davison, another member of the firm, while the latter was abroad."

Now, we shall not say anything in this issue about the firm of J. P. Morgan & Co., of which Messrs. Lamont and Davison are members. Nor shall we say anything of Mr. Vanderlip. But since we referred over a month ago (Modern Italy, Vol. II, No. 14), under the title "Is the Peace Conference a Free Agent?" to Messrs. Jacob Schiff and Warburg, it may be interesting in view of this new development to recall attention to these persons.

Moreover, the public was warned by an article in the Globe some time ago to "Watch Warburgs." In Modern Italy, Vol. II, No. 16, in an article entitled "Danzig, Fiume, and the British Mercantile Marine," we set up our watch, and now, in view of the new facts, it seems more than ever necessary to maintain it.

We had no idea, at the time we wrote, that Messrs. Jacob Schiff and Warburg would be subpœnaed by the Foreign Relations Committee of the United States Senate. Nor are we interested in the details of this particular development. It is no concern of ours whether and how copies of the peace treaty reached private interests in New York. But it is interesting to note that Messrs. Schiff and Warburg are evidently considered persons of importance in New York, and it is well to remember exactly who they are.

According to Pertinax, the well-known French journalist, who is usually extremely well informed, Mr. Jacob Schiff was born at Frankfort-on-the-Main, the home of the Allgemeiner Elektricitäts Gesellschaft. He is to-day one of the directors of the Kuhn, Loeb & Co. Bank of New York.

He has been, according to Pertinax, "the great financial supporter of the 'Mutual Society of German Jews,' which was linked, and is still probably linked on many sides, with high German circles." Can we assume for an instant that the organized campaign which is being carried on to-day by the German-speaking Jews of Poland against the creation of a strong and independent Poland is entirely unconnected with the work of this society? Can we assume that Mr. Jacob Schiff is uninterested in the settlement of the Polish question, a question which—in spite of the unanimous recommendations of committees—undergoes from day to day such amazing changes? Born at Frankfort, he must know very well that the German-speaking Jew of Poland is regarded in Germany, rightly or wrongly, as the chief agent in Eastern Europe of German "kultur." And not only of "kultur." For all great German firms regard him as an ideal commercial traveler in the work of German economic penetration into Poland and, further, into Russia. It would be a miracle if Mr. Jacob Schiff had never expressed an opinion about Poland.

It would be a miracle, too, if Mr. Jacob Schiff had never expressed himself on the subject of a league of nations. During the war, before America intervened, Mr. Jacob Schiff, Pertinax informs us, "founded the American Neutral Conference Committee, which took upon itself the task of bringing about peace with a victorious Germany. Then appeared for the first time all the formulæ of the league of nations, the anathemas launched against the 'old diplomacy,' which was said to be responsible for bringing about the war. On this point, consult the work 'How the Diplomatists Caused the War,' written by Mr. Heubsch, the colleague of Mr. Schiff on the Neutral Conference Committee."

Is it possible that Mr. Jacob Schiff is the real author of the covenant? We know well that many high-minded idealists work for this ideal, which is, at its best, an

attempt, under modern conditions, to reconstitute the Roman Empire. No Roman statesman, listening to Lord Robert Cecil on June 13, could have taken exception to anything he said. The ideal, eloquently expressed, of a "Pax Romana"; the criticism of national selfishness; the appeal to put an end to the existing international anarchy; the admission that the league must entail some diminution of national sovereignty—all this would have delighted Tiberius Gracchus, not to mention Cæsar, and many a Roman statesman would have hailed Lord Robert Cecil as a colleague.

But it must be remembered that, if the league of nations has its good side, as an attempt to extend the realm of public law and to put an end to international anarchy—an ideal never yet realized in the history of the world save by the Roman Empire—the league also has its dangerous side.

Given the overwhelming influence of international finance, what is there to prevent the real center of the league from being established, not at its nominal center, Geneva, but at Frankfort, the home of international finance? What is there to prevent it becoming a mere political department of the Allgemeiner Elektricitäts Gesellschaft? National finance may be hard enough to regulate in the interest of the nation; but under a régime of international finance all nations would bow to a new master, more strange and terrible than Cæsar, stronger than the Roman Empire, stronger than the papacy, a master called Baal in ancient times, whose aim it is to-day to turn the world, and all the nations in it, into one vast servile State.

To turn now to the Warburg brothers, one of whom has been subpœnaed to-day together with Mr. Jacob Schiff.

Max, who lives in Germany, is very well known. He is the chief of the banking firm, Max Warburg & Co., of Hamburg. He is at present one of the German plenipotentiaries in Paris. During the war he distinguished himself at Stockholm by intrigues in the Ukraine, which he endeavored to detach from Russia and transform into a German protectorate, with a view to German penetration in the east. He is also reported to have been one of the chief German agents for the introduction of the Bolshevist virus into Russia.

Paul and Felix, the other two brothers, live in New York. They are married respectively to the sister-in-law and the daughter of Mr. Jacob Schiff, and are associated with him in the Kuhn, Loeb & Co. bank. In November, 1916, Mr. Paul Warburg was responsible, Pertinax tells us, for the famous circular which recommended the American banks to cease giving money to the Allies.

When President Wilson reformed the banking system of his country and created the Federal Reserve Board, he appointed Mr. Paul Warburg as one of the directors.

It is apparently this Mr. Paul Walburg, not Felix, who has been called by Senator Borah to give evidence.

We have now explained who Messrs. Jacob Schiff and Warburg are, and to-day we can only await the results of their evidence. But it is interesting, in conclusion, to call attention to a new weekly paper which may or may not have some connection with them.

This new weekly, published in New York, is called The Review. It is edited by Fabian Franklin, formerly associate editor of the New York Evening Post, and Harold de Wolf Fuller, formerly editor of the New York Nation. The New York Nation is practically the weekly edition of the New York Evening Post. Both are papers of a strongly liberal character, and were zealous in the cause of conscientious objectors.

In fact, according to the prospectus of The Review, the Nation is one of those papers which, together with the New Republic and the Dial, have become "the chief promoters of an unthinking drift toward radical innovation."

The Review is intended to oppose this drift, and among the 120 stockholders in this paper we note the names of Messrs. Paul Warburg, Felix M. Kahn, Julius Rosenwald, Frederick Strauss, and Mortimer L. Schiff. Whether Mr. Mortimer Schiff is any relation of Mr. Jacob Schiff, and whether Mr. Paul M. Warburg is the Paul Warburg, the brother of Max, we are not sure. But The Review itself may be worth watching. It may possibly throw some light upon the ideas and principles of Messrs. Schiff and Warburg.

But whatever influence Messrs. Schiff and Warburg may or may not have in the settlement of Polish, Italian, or any other questions, it is necessary to bear in mind that all the great financial magnates of the world are out for business. We are living in a period when the greed of the world, concealed during the war, is now seeking a frenzied satisfaction. It is impossible to suppose that the peace conference itself can escape the influence of the world's great financial magnates. Indeed, it is impossible upon any other hypothesis to understand many of its decisions. Unless, for example, we assume that international finance has been at work, it is impossible to understand, to mention nothing else, the coquetting with the Bolshevists at Prinkipo; the attempt to rebuild the Austrian Empire under the name of a Danubian Con-

federation; the astounding negotiations with the successor of St. Stephen upon the Hungarian throne, Bela Cohen [Kuhn]; or the treatment meted out to Belgium, Poland, and Roumania.

Above all, it is impossible to understand the treatment of Italy. It is only when we read the speeches of such men as Signor Luzzatti and Signor Turati, of whom the latter, as an extreme and intransigeant socialist, can not be accused of any sympathy with patriotic or purely national aims, that we can understand the true nature of the opposition to the rightful claims of Italy. Both Signor Luzzatti and Signor Turati have referred in their speeches in the Italian Chamber to the enterprises of international finance in the Adriatic, notably at Fiume, a city which even Signor Bissolati, the socialist, has always claimed to be Italian.

And we should do well to remember the protest made by Signor Tittoni in the Italian Senate, for it concerns, not only Italy but ourselves. Signor Tittoni bade us beware of "the substitution for German hegemony of other hegemonies, less brutal in appearance but just as tyrannical and concealing a formidable plutocratic coalition and a colossal financial monopoly for the economic exploitation of the world."

Let us take care lest, under the mask of a league of nations, we submit our destinies to some formidable plutocratic coalition, which, sitting at Geneva or at Frankfort, under some slimy Asiatic Caesar, would destroy all nations, England included, and crush, in a far more deadly way than was ever done by Rome the freedom of the world.

TWO TONS FOR ONE.

In our last number we drew attention to the fact that Mr. Hurley, chairman of the United States Shipping Board, commenting on the impression said to obtain in Britain that the control of the seized German ships in the United States will be temporary, observed, according to the New York correspondent of the Daily Mail, "Whatever method of adjustment is adopted, the ships will certainly be kept by this country."

This statement of Mr. Hurley's has now been corroborated by Mr. Lansing. In an interview with the Paris correspondent of the New York World, Mr. Lansing indicated conclusively that the vessels are now national property, saying: "They are now our ships, and I do not think there is the slightest chance of any change of ownership."

In addition to these statements made by Mr. Hurley and Mr. Lansing, we have some evidence as to the opinion of President Wilson. The correspondent of the New York Sun cables: "President Wilson considers that, so far as American is concerned, the question of the German ships has been settled, British statements to the contrary notwithstanding." "When the matter came up before the council," the correspondent adds, "the President and Mr. Lloyd-George had an extended argument, ending in the flat statement by the President that American would keep the German ships now in her possession and settle for them in her own way. Whether the Premier accepted this now seems to be the question. Americans state that he did. * * * The President was advised in his stand by American financial experts in Paris."

Now, these three statements, of Mr. Hurley, Mr. Lansing, and President Wilson, if really made by them, are astonishing. We can hardly disbelieve them, but they seem to be in such flagrant contrast with President Wilson's much advertised "idealism," and indeed, with the most elementary principles of justice, that people in England have now begun to open their eyes. They are beginning to think that the treatment which was meted out to Poland and to Italy is now to be meted out to England. The truth of the situation begins to dawn upon them. Poland was far from them; they understood but little the claim of Poland for a port at Danzig. Fiume meant little to them. They had never heard of it. Many people, indeed, had previously thought that Fiume was a kind of fish. Moreover, an elaborate and extensive propaganda, carried on against Italy since the beginning of the war, had prejudiced many persons against all Italian claims. But now that it is clear that the just and righteous claims not merely of Italy and Poland but of England herself are likely to be thwarted, Englishmen realize to some extent what Poles and Italians felt when "idealism" was applied to them. They do not like its application to themselves, and have begun, like the Poles and Italians, to make some protests, both in the press and Parliament.

The following official return of allied merchant ships sunk by the Germans shows how Britain's ton-for-ton claim would suffer if the United States keeps the German ships:

	Ships.	Tonnage.
Great Britain	2,197	7,638,020
France	238	696,845
Italy	230	742,365
United States	80	341,512
Japan	29	120,176

It should be noticed that, if we estimate according to tonnage, the losses of Italy come second on the list. Before the war Italy had (excepting only Germany) the highest proportion of large liners of any country in the world. It must also be remembered that Norway lost over a million tons. Norway was not our ally. Situated next door to Germany and defenseless, how could she be? But surely, in view of her appalling losses, the loss of her brave seamen and of her ships, Germany owes her a tremendous reparation.

Now, under the conditions of peace Germany is required to surrender the whole of her merchant shipping and to replace the losses she has inflicted, ton for ton. The fairest course would, undoubtedly, have been to allocate the German ships among the various countries in proportion to the losses suffered by each.

But what happens? As we have pointed out, the United States during the war lost tonnage to an amount estimated at 341,512 tons. If, on the basis of a ton-for-ton policy, she claimed that and no more, her claim would be just, provided that the claims of all other nations had equally been met. But the German tonnage interned in the ports of the United States amounts to 660.000 tons. And, according to Mr. Hurley, Mr. Lansing, and President Wilson, America intends to claim it all. Surely this is "idealism" with a vengeance. It was understood that America was to make no profit by her intervention in the war. But here we have a policy, not of ton for ton, and of equality among the Allies and the associated powers, but of America helping herself first on a basis of 2 tons for 1. And it must be here remembered that the British Navy either drove these ships into the American harbors or kept them there.

But, if we examine it, the booty claimed is far richer than at first sight appears. The German ships interned in the United States are the pick of the German mercantile marine. Among the prizes is the *Vaterland*, 54,282 tons, the largest ship afloat, and several fast liners of a type far superior to anything America previously owned. Until lately, there was reason to hope that the *Vaterland* would be awarded to this country as compensation for the *Lusitania*.

As Mr. J. C. Gould, the Unionist member for Central Cardiff and a well-known shipowner, said in an interview:

"There are 90 German ships of a totaltonnage of 660.000 in American ports and they are the finest ships the Germans had. Announcements have been made in America that they are going to keep the German ships in their ports. If America is allowed to retain these ships, she will have more than double her losses. * * * It will be a serious loss to us if America keeps these vessels and uses them in the trans-Atlantic trade."

It is obvious that these ships will give the United States a big lead in high-class passenger traffic at the very moment when British lines are crippled by severe war losses.

Again, as Sir Alfred Booth, the chairman of the Cunard Line, has pointed out:

"By the fortune of war the Americans had the opportunity of increasing their mercantile marine enormously when we could not. If, on the top of this, they get all the German tonnage interned in the United States, and we get only our proportion with the other allies of the German ships kept in German waters, the United States will have an enormous advantage for immediate business. We must have ships now, if we are to resume our business, so terribly handicapped by the losses we have sustained. The fair way would be to share them in accordance with losses."

The above remarks are abstract and general. To-day we can be more concrete and precise. These ships are to be used for South American business. The United States Shipping Board has chosen from its fleet of former German ships the *Mount Vernon*, 18,372 tons; the *Von Steuben*, 14,908 tons; and the *Agamemnon*, 19,361 tons—originally known as the *Kronprinzessin Cecilie*, *Kronprinz Wilhelm*, and *Kaiser Wilhelm II*—for passenger and mail service between New York and South American ports. These

vessels will be released shortly from transport service and be refitted luxuriously. It is expected that they will be ready for service in midsummer.

The Shipping Board hopes, says the Daily Mail New York correspondent, that with the establishment of a South American passenger service, 50 per cent faster than any existing before the war, South American buyers will be attracted to the United States, and the old custom of travel via London between South American and United States ports will be abandoned.

To sum up, America will secure the largest ship afloat, and several fast liners of a type far superior to anything she previously owned. She will use them to capture the trade of South America. And she will have them on the seas, not merely before Great Britain and Italy are able to make good the losses they suffered during the war, but actually before the final peace terms have been signed, i. e., in midsummer.

The allocation, we are told, of all German tonnage is to be regulated by an inter-allied commission in Paris. But before the commission has begun to sit, before any allocation has been made, the United States seizes the ships, on a basis of 2 tons for 1, and captures the trade of South America.

Surely "idealism" could go no further. Emerson once described Napoleon as the great business man of history. Had Emerson been alive to-day he might have been inclined to apply the words to President Wilson.

And yet perhaps we are wrong in blaming President Wilson. "The President," we are told, "was advised in his stand by American financial experts in Paris." We do not know who these advisers were or what their advice was. But we ought not to forget certain facts.

We ought not to forget that already four years ago, in 1915, the Warburgs of the Old and the New World had tried to have the interned German ships acquired by the United States. Have the Warburgs again to-day sought to obtain their acquisition?

Who are these Warburgs? Max Warburg is the chief of the banking firm, Max Warburg & Co., of Hamburg. He is principal shareholder in the Hamburg-America and German Lloyd steamship lines. During the war he was at Stockholm and carried on some curious intrigues against Poland, endeavoring to set against Poland a Ukraine under German control. At present Max is one of the German plenipotentiaries in Paris.

His two brothers, Paul and Felix, live in New York. They are married respectively to the sister-in-law and daughter of Mr. Jacob Schiff, and are associates of the latter at the head of the Kuhn, Loeb & Co. Bank of New York.

Mr. Jacob Schiff is himself an interesting personality. He was born at Frankfort, and has been, according to Pertinax, the great financial supporter of the "Mutual Society of German Jews," which was linked, and is still probably linked on many sides, with high German circles. In 1916, according to the same writer, he founded the American neutral conference committee, which took upon itself the task of bringing about peace with a victorious Germany.

We have here, as Pertinax says, a financial group which, up to the declaration of war by America in April, 1917, was the most powerful link between the politicians of Washington and those of Berlin. Is it likely that the connection between the Warburgs of the Old and New World has now been broken? Having worked together as brothers in the war, will they not work together, as brothers, in the peace?

Be that as it may, it would be a mistake to consider the policy of two tons for one in isolation. This policy, scandalous as it is, is closely linked with other questions. We should do well to bear in mind the words of Mr. George D. Herron, once the political friend and supporter of President Wilson. "International financiers, who are diplomatically privileged, are the true cause of the present crisis and of all the political and moral failures of the peace conference, on the shoulders of which will fall the responsibility of the ruin which threatens the world."

British people are disturbed by the policy of two tons for one, which threatens to be realized. But it must not be forgotten that they feel to-day what Italy felt only yesterday and still is feeling. "A financial group," Mr. Herron tells us, "is trying to secure privileges for the development of Fiume and of the Dalmatian ports, to get hold of all the lines of navigation in the Adriatic for the purpose of bringing complete commercial ruin upon Italy and of banishing her mercantile flag from the seas."

He would be a blind man, indeed, who failed to see a connection between the policy of two tons for one and the attempt to bring commercial ruin upon Italy. Is it the same group which is endeavoring, on the one hand, to banish the Italian flag from the Adriatic, and, on the other, to banish the British flag from South America?

And if we turn from the Adriatic to the Baltic, we find another singular coincidence. How is it that Mr. Max Warburg, the principal shareholder in the Hamburg-American and German Lloyd steamship lines, should have been so interested in the Ukraine? It might seem strange to find a great shipping magnate interested in the Ukraine.

But—apart from the fact that Germans regard the Ukraine as their stepping-stone to India—all Germans realize that a strong and independent Poland, connected with England by sea, would be fatal to many of their plans. Such a Poland would be rescued from German economic domination. The Baltic might cease to be a German lake. It might become unduly opened to the British mercantile marine. Danzig might compete with Hamburg. Such a policy would not suit the Warburgs either of the New World or the Old. Max Warburg himself has his business between Hamburg and America.

One thing let us never forget. Poland and Italy are linked to England by many spiritual ties. They form, also, if we give them our full support and do not thwart their claims, two strong barriers against any future attempt by Germany to dominate the world. They are the ramparts of France upon the north and in the south. Together the four nations, England, France, Italy, and Poland, form one solid bloc whose unity is essential to the world's stability and peace. We are bound together, no less, by economic ties. The policy of ton for ton concerns us all. Our interests can never clash. And it is in the highest interest of England to witness a new Poland strong upon the seas, and a new Italy strong and secure in the Adriatic. With an allied and friendly Italy adjoining us in Egypt, with a Poland connected with England by sea and bolting the door to the German Drang nach Osten, to the exploitation of Russia, and to the invasion of India, Great Britain possesses two first-class guaranties for the security of her own Empire.

THE QUESTION OF FIUME.

After the long and rather bitter discussions, the disappointing delays, and the dramatic happenings that have hardened the Italian people to the point of being ready to dare almost anything rather than abate their rights, we find the question of Fiume still unsolved. How much longer must we await a decision?

The Italian nation was suddenly confronted with the veto of a single man, a man who has such unbounded self-confidence as to think himself infallible and sole arbiter of the world's destinies. Is this man bound by the chains which his friend, Prof. Herron, denounces? Has he his people behind him? Who can say? For though he is the latest apostle of democracy, he dispenses with parliaments and peoples. Word and act, truth and right, are his, the wise man who would correct the folly of forty-three million Italians.

There are, however, a few rifts in the lute. The senates of New York State, Illinois, and Massachusetts have cabled to the President asking him explicitly to fully accept the Italian claims. And the majority leader in the Senate, Mr. Lodge, has championed the same policy. Therefore it is clear that the Italian policy in regard to Fiume has supporters even in America.

Have any new facts come to light to confirm the President in his obstinacy? Dr. Wilson has appealed to the Italian people over the heads of the Parliament and Government, and the Italian people have answered by rallying round the Government and showing that they are indissolubly united. Unmoved by all this the American President continues to dilate on all his old arguments. The chief and one might say the only argument put forward by him is one which has astounded everybody by reason of its lack of logical sense. According to President Wilson, Fiume is an international port, and because it must remain international it ought to be given to the Croats. That is to say, it must become a part of Jugo-Slav nationalism. That method of reasoning is so obviously outside all bounds of reason that we need not bother about discussing it. Evidently President Wilson thinks, and obstinately thinks, that it is a sound and solid dogma.

Now, everybody knows that the Croats are not an international but an entirely nationalistic people. What grounds are there then for supposing that Fiume could be made international by giving it to them rather than to the Italians? Are we to take it that the Italians, whose age-long civilization has been the cradle and is still largely the vital center of all that is best in Europe, would be less alive to their international obligations than the Croats who are only of yesterday? The President argues in much the same way as the Germans argued when they tried to justify their occupation of Antwerp, the natural outlet for the Rhine Provinces. Should Rotterdam, seeing that it is an international port par excellence, be condemned because of its international situation to live under the German yoke? Ought we to make a present of Genoa to Switzerland or South Germany? Surely Dr. Wilson must have other arguments stored away in his portfolio. But he will not tell the world about them. Secrecy, however, only serves to sharpen the curiosity of people who are eager to know the secret of the golden mysteries which have been denounced by Prof. Herron,

the President's confidant and friend. It is not our business to attempt to pull aside the veil that hides the Ark of the Covenant, or perhaps the Golden Calf.

Meanwhile the newspapers come out with another ballon d'essai. Why should Fiume not be given to the league of nations for five years, while another harbor for the Jugo-Slavs is in course of construction? Italians have no objection to the construction of a new Croatian port if that would solve the Fiume problem. They are not after the gold mines of Fiume. They are concerned only for the liberties and rights of their own people. As a matter of fact, the idea of a Croatian harbor at Buccari or Segna has already been mentioned in this Review. At Fiume Italy only seeks to safeguard the freedom of her own people, which is a small thing and valueless as far as outsiders are concerned.

But no one can help noticing it as rather remarkable that people should insist on the necessity of creating a new Jugo-Slav harbor quite close to Fiume, in an entirely out of the way position from the natural Jugo-Slavian trade routes. Leaving Fiume out of the question, the treaty of London gives the Jugo-Slavs a group of ports which in 1910 had a total trade of 12,000,000 tons; that is to say, a bulk of trade double that of Marseille. The total trade of Fiume itself was less than one-fourth of this, because it amounted only to 2,500,000 tons, of which a quarter of a million came from Jugo-Slavia. Thus only a fiftieth part of the maritime trade of Jugo-Slavia passed through Fiume.

Why are they so insistent on having the new Jugo-Slav port so close to a place where, in spite of all the encouragement given by the Hungarian Government, only a small fraction of Jugo-Slav trade passed? It is difficult to understand the meaning of the insistence on such a demand. There are people who think that behind all this obstinacy there must be some particular reason. Perhaps there is some one entirely actuated by idealistic motives who thinks that great advantages will be reaped in that out of the way corner of the Quarnaro. Where, it is hard to say. Perhaps one might fall back upon Prof. Herron for the answer.

And there is another question. If Italy is to have the Italian city of Fiume after a period of five years, why not now? Why should the league of nations be brought into the Adriatic? Italy has already had proof of how this kind of arrangement would work. A certain international commission has been going up and down the Adriatic and has done things which are not yet publicly known, but which are underlined in black in the annals of the Italian Navy. Is Italy to be put under tutelage? Do the Allies realize how grossly they sin against all good taste, against all the principles of comradeship, and how grossly they offend the susceptibilities of the Italian people when they suggest that a supervising control should be held over the Italian Government during the period of five years, within which Fiume will be the "only" outlet for the Jugo-Slavs? Of what crimes do they think the Italian Government would be guilty against the commercial freedom of the small Jugo-Slav nation? Perhaps not even President Wilson could answer that question. But those who inspire him probably think that behind the cover of the league of nations the dollars could easily ebb and flow at Fiume, and that the economic interests of the city could be more easily handled. Certainly the Italian Government, conscious of its duty, could never allow the usury and exploitation which the Jugo-Slavs readily permit, going hand in hand as it does with the corruption of the governing classes.

Dr. Wilson still gazes at Fiume with his thumbs turned down. The whole Italian nation yearns for the redemption of the Italian city. If despotism and dollarism should triumph, we might have an exodus from Fiume of the Italian population; and it is not impossible that the Croats might eventually find there only ruins and desolation. In this Review it has already been said that Fiume is the touchstone of the Allies' policy. That is an important truth, and the sooner its importance is recognized by those who have the direction of the allied policy in their hands the sooner shall we arrive at an Adriatic settlement that will be just and lasting.

IS THE PEACE CONFERENCE A FREE AGENT?—MORE LIGHT NEEDED ON A DARK QUESTION.

Dr. Herron's telegram to the Italian paper L'Epoca (Apr. 28) reveals the existence of a secret financial coalition practically ruling over the peace conference.

In order to fully grasp the importance and the authentic character of the revelations made by Dr. Herron it is, first of all, necessary to know who Dr. Herron is. The Paris edition of the New York Herald (May 3) gives the following details about his position and career. It says:

"Dr. George D. Herron was appointed in February last, with Mr. William Allen White, as the American delegate to the proposed conference with representatives of the various Russian parties on the island of Prinkipos. A publicist and professor of

political economy well known in the United States, he has for some five years past made his home in Geneva, whence he was able to keep the American State Department and Allied Governments posted on movements centering there. About a year ago he published a volume entitled 'President Wilson and World Peace,' which, following a book on 'The Menace of Peace,' issued the year before, attracted much attention.

"For several weeks before his return to Geneva, about a month ago, he was in close conference with President Wilson, Col. House, and other members of the American mission, as well as with Mr. Balfour and the Italian delegation.

"In connection with the above dispatch it is interesting to note that, speaking in the Senate, Signor Tittoni protested against 'the substitution for German hegemony of other hegemonies, less brutal in appearance, but just as tyrannical, and concealing a formidable plutocratic coalition and a colossal financial monopoly for the economic exploitation of the world.'

"The theme was dwelt upon also by Signor Luzzatti and Signor Turail in the Chamber. They referred to the enterprises of international high finance in the Adriatic, notably at Fiume. The revelation of the opposition of financial magnates to Italian claims has made a great sensation in Italy."

Hence it is clear that we are in the presence not only of a competent authority in regard to the facts with which he deals, but also of a man of high moral worth, whose views on the moral side of the situation are of the utmost value and worthy of the utmost respect.

The following is the text of Dr. Herron's communication to the Epoca:

"As one who can claim to be perfectly acquainted with the nature of the present conflict between Italy and Jugo-Slavia, and as one who has had occasion more than once of acting as mediator between the two parties, I should like to express my conviction that a great injustice is about to be done to Italy, in the opinion of the public, and that the Jugo-Slav people as well as the Italian people are ignorant of what is hidden behind the scenes of the present crisis. I should like also to add that, as I can safely affirm, there were at least two occasions when an understanding could have been reached were it not for the intervention of intrigues on the part of international financiers who are diplomatically privileged, who are the true cause of the present crisis, and who are the cause of all the policical and moral failures of the peace conference, on the shoulders of which will fall the responsibility of the ruin which threatens the world. The financial group is trying to secure privileges for the development of Fiume and of the Dalmatian ports, to get hold of all the lines of navigation in the Adriatic for the purpose of exploiting the Serbian nation, on the one hand, and on the other to bring complete commercial ruin upon Italy and banish her mercantile flag from the seas.

"Nor would the ruin of her mercantile commerce be the sole damage to be suffered by Italy were she to renounce Fiume. In a very short time her political and commercial relations with Roumania and the Balkans would be severed. By refusing to cede her eastern port Italy is at present struggling for her own existence against the international monopolists. She has no mines. She has no resources to offer to these monopolists, while southeastern Europe is ripe for exploitation. Furthermore, according to the treaty of London, only a small part of Dalmatia is to belong to Italy. Nine ports capable of adequate development will be left to Jugo-Slavia. Moreover, Italy would not have fallen back on the treaty of London had not the evil influences at the back of the Jugo-Slav delegation in Paris aroused her to intransigence. Finally, to call in the principle of self-determination against Italian claims alone is an evident piece of hypocrisy, if one takes account of the territorial gains secured by all the other nations represented at the peace conference. England will control a vast empire stretching from India to Egypt; and to pass under English rule is considered the best fortune that can befall the people situated between India and Egypt. France will not only see her aspirations almost completely realized in regard to the left bank of the Rhine, but she will also have Syria and new colonies in Africa. I am the last person to object to what has been given to France. Far from thinking that France has got too much, I think that she has got too little. The Valley of the Saar should have been given by full right of possession to France, and French and Belgian rule should have been extended to the Rhine absolutely and without impracticable compromises. Poland will have a population scarecly one-half of which is made up of Poles. Czecho-Slovakia will include, and justly so, a German population of about three millions. Jugo-Slavia will have a large percentage of people who are not Jugo-Slavs and who do do not wish to come under Serbian rule. But on account of reasons which are understood only by those who know the secret means which serve the ends of international finance, Italy is denied territories which, if granted to her, would bring her only 3 per cent of a non-Italian population.

"As far as concerns us Americans, granted that the peace conference has not for a moment been faithful to the principles of the President, granted that one of the fourteen points was genuinely and exactly applied, why should Italy be the only one of them all to be obliged to apply these principles to a very small and mixed part of the territory which she claims, and thus renounce her natural and geographical frontiers? If Italy had not entered the war in the dark days when she did enter it, the cause of the Entente would have been lost, Germany would have conquered Europe, and the whole of Jugo-Slavia would have become part of the then existing Austro-Hungarian monarchy. The real Jugo-Slavs, like the Croats and Slovenes, who owe their independence to Italy's intervention have fought against Italy with the greatest bitterness up to the last, up to the moment of signing the armistice. In recompense for what Italy has done for the allied cause, in recompense for her half a million dead and her million mutilated, and her exhausted finances, she is now treated with incredible ingratitude and calumniated throughout the world by the work of these great interests that would encompass her ruin. The greater part of my fellow citizens were led to believe the opposite of what I have declared. But, whatever it may cost us, it is time to look truth in the face and to point out the true causes of all the discords and chaos which are tearing Europe to pieces. It is time to unmask these influences which, subsidizing even the Government of Lenin and Trotsky, labor to establish the power of autocracy, to wipe out democracy for hundreds of years to come, and to impose upon the world the rule of the monopolists."

So much for the declarations made by a loyal American citizen. We may well ask whether such a man would have taken up such a position between Italy and the peace conference had he not been sure of his ground. Let us now turn to another quarter. The writer in the Echo de Paris who signs himself "Pertinax" is well known as one of the most level headed and authoritative of French publicists. He also is in a position to have an intimate knowledge of what goes on behind the scenes. And he is a man whose integrity and honor are recognized everywhere in France.

In the Echo de Paris (April 28) "Pertinax" published an article entitled "Voyage Autour de sa Chambre." It ran as follows:

"*Voyage Autour de sa Chambre.*

"Yesterday, as it was raining in the park and in town, M. Max Warburg, one of the German plenipotentiaries already arrived at Versailles, did not leave the Hotel des Reservoirs. With the coming week his active rôle commences. He passed the day making a tour of his room, that is to say, turning his thoughts in upon himself. He summoned from afar his relatives, his friends, the relatives and the friends of his relatives and of his friends. After several hours he raised his head, with the feeling that he had reviewed a great throng of people and that he had heard and uttered all the words that will be the leitmotiv of international politics during the coming months and the coming years. He was very fatigued but sufficiently satisfied with himself.

"M. Max Warburg is the chief of the banking firm Max M. Warburg & Co. of Hamburg. He is the principal shareholder in the Hamburg-American and German Lloyd steamship lines. His two brothers, MM. Paul and Felix Warburg, married, respectivel, to the sister-in-law and the daughter of M. Jacob H. Schiff (born at Frankfort), are the associates of the latter at the head of the Kuhn Loeb & Co. bank of New York. Here we have a financial group which, up to the declaration of war by America, in April, 1917, was the most powerful link between the politicians of Washington and those of Berlin. When President Wilson reformed the banking system of his country and created the Federal Reserve Board he appointed M. Pau Warburg as one of the directors, on the recommendation of his son-in-law, Mr. MacAdoo, Minister of the Treasury, who had been financially supported by Messrs. Kuhn Loeb & Co. in his railway undertakings. M. Jacob Schiff has been the great financial supporter of the 'Mutual Society of German Jews,' which was linked and is still probably linked on many sides with high German circles.

"From 1914 to 1917 this powerful syndicate showed itself extraordinarily active against the Entente. In 1915 the Warburgs of the Old and the New World tried to have the interned German ships acquired by the United States. For a moment it looked as if they were to succeed. In November, 1916, M. Paul Warburg was responsible for the famous circular which recommended the American banks to cease giving money to the Allies. About the same time M. Jacob Schiff founded The American Neutral Conference Committee, which took upon itself the task of bringing about peace with a victorious Germany. Then appeared for the first time all the formulas of the League of Nations, the anathemas launched against the old diplomacy which was said to be responsible for bringing about the war. On this point consult the work

'How the Diplomatists caused the War,' written by M. Heubsch, the colleague of M. Schiff on the Neutral Conference Committee.

"It is now a question of overhauling the old German-American machine. 'Is it possible that it can have broken down in two years'? asked M. Max Warburg of himself, tapping the window panes. 'Shall I rebuild it? What I have seen since November is certainly not discouraging.'

"It is evidently only by the oddest of chances that M. Max Warburg was the first to be sent to Versailles by the republican Empire. And it is by the oddest of chances that the first to arrive is not the first come."

The irony of "Pertinax" in the concluding sentences will escape nobody. The only thing that for the present can be said is that one must await further developments. Though it would be foolish to doubt that a great financial intrigue is doing its best to control the decisions of the Peace Conference, and it would be out of the question to cast doubt on what Dr. Herron has said about the machinations of an "International Financial Gang," yet one can not for a monemt believe that the future of Europe is likely to become a matter for private speculation under the auspices of responsible political representatives. However, as matters stand at present, the public has a right to demand that more light should be thrown on the whole question. The matter can not remain where Dr. Herron and Pertinax have left it.

Mr. COTILLO. May I at this time thank the members of the Foreign Relations Committee? I know that I am not making a false statement or assuming for myself too much power when I state that the Italians, particularly of the State of New York, with whom I have lived and come in close contact, sincerely appreciate your attention and courtesy extended to us, in giving us this opportunity of presenting the Italians' side.

The CHAIRMAN. If there are any more papers that you want to file, will you please file them as soon as you can, so that we may go to press this evening?

Mr. COTILLO. I would like to ask one question. If it is necessary—but I do not think, with the exposition that has been made to-day, that you will require a brief on the question.

The CHAIRMAN. No; I think the papers that you have filed here with the secretary cover everything.

Mr. COTILLO. Thank you very much.

The CHAIRMAN. The committee stands adjourned. There will be no more hearings.

(Thereupon, at 11.55 o'clock a. m., the committee adjourned, subject to the call of the chairman.)

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TREATY OF PEACE WITH GERMANY

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

SIXTY-SIXTH CONGRESS
FIRST SESSION

Vol. 2.

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TREATY OF PEACE WITH GERMANY.

FRIDAY, SEPTEMBER 12, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

The committee met, pursuant to the call of the chairman, at 10 o'clock a. m., in room 310, Senate Office Building, Senator Henry Cabot Lodge presiding.

Present: Senators Lodge (chairman), Brandegee, Fall, Knox, Harding, and New.

The CHAIRMAN. Mr. Bullitt is to make a statement to the committee this morning. I think I ought to say that Mr. Bullitt was summoned on the 23d of August, I believe, and he was in the woods at that time, out of the reach of telegraph or telephone or mail, and only received the summons a few days ago. He came at once to Washington. That is the reason of the delay in his hearing.

STATEMENT OF MR. WILLIAM C. BULLITT.

The CHAIRMAN. Mr. Bullitt, will you take the stand and give your full name, please, to the stenographer?

Mr. BULLITT. William C. Bullitt.

The CHAIRMAN. You are a native and a resident of Philadelphia, are you not?

Mr. BULLITT. I am, sir.

The CHAIRMAN. Prior to the war, what were you engaged in?

Mr. BULLITT. Before the war I was employed by the Philadelphia Public Ledger. I had been a correspondent for them in various places, and I had been a member of the editorial staff in Philadelphia for a time.

The CHAIRMAN. You went abroad for them as a correspondent?

Mr. BULLITT. I did, sir.

The CHAIRMAN. Before we went into the war?

Mr. BULLITT. Before we went into the war I toured Germany, Austria, Hungary, Belgium, Poland, and other places, studying conditions there, for the purposes of the Public Ledger

The CHAIRMAN. After we entered the war, what did you do? You came back?

Mr. BULLITT. Yes, sir; I came back. I was in the United States at that time.

The CHAIRMAN. At that time?

Mr. BULLITT. And I was asked to enter the Department of State, to work in the Division of Western European Affairs under Mr. Grew, in which my special province was to follow the political situation of Germany and Austria-Hungary, to prepare the confidential

reports of the department on Germany, Austria, and Hungary—the weekly reports—and also such memoranda on conditions as the President and the Secretary and others might call for.

The CHAIRMAN. And then you went to Paris as a member of the staff, after the armistice?

Mr. BULLITT. Yes; I was an employee of the department at the time of the armistice, and I was ordered to Paris as a member of the staff of the commission.

Senator KNOX. When did you first go to Paris, Mr. Bullitt?

Mr. BULLITT. I sailed on the *George Washington*. I went over with the original trip of the President.

Senator KNOX. And you were there continuously how long?

Mr. BULLITT. I remained in Paris until—I can give you the exact date—I was ordered to go on a special mission to Berne about the first week of February. I can give you the exact date, if it is of any moment.

Senator KNOX. No; it is not.

Mr. BULLITT. I remained a week in Berne, then returned and remained in Paris until I was ordered to go to Russia.

I left for Russia on the 22d of February. I was in Paris during the entire period until the 22d of February.

Senator KNOX. You said you went over on the original trip of the President. Just to get these dates right, when did you reach Paris?

Mr. BULLITT. I left New York on December 4 and, as I remember, we reached Paris on December 13.

Senator KNOX. And you were there, then, until you went to Berne in February?

Mr. BULLITT. In February.

Senator KNOX. What was your personal relation to the peace conference and its work?

Mr. BULLITT. When I first arrived I was asked to take charge of a confidential bulletin which was to be gotten out for the benefit of the commissioners each morning. It was to be read by them. That lasted a very short time, and as is usual with most things of the kind, we discovered that the commissioners did not care to spend the time reading it, and therefore it was decided to abolish this bulletin, and that instead I should receive all the intelligence reports of military intelligence, of the State Department, intelligence received through all the special dispatches of the ambassadors, etc., in fact, all the information that came in, and a section was created called the Current Intelligence Section. I was called the Chief of the Division of Current Intelligence Summaries.

Senator KNOX. Then, as I understand, your function was to acquaint yourself with everything that was going on in connection with the conference, and disseminate the news to the different branches of the peace conference and the different bureaus?

Mr. BULLITT. I was to report only to the commissioners.

Senator KNOX. Well, but the essential thing is, was it your duty to get information?

Mr. BULLITT. Yes; it was my duty to be in constant touch with everyone who was in the American delegation, and present information to the commissioners each morning. I had 20 minutes with each commissioner each morning.

Senator KNOX. So that you were practically a clearing house of information for the members of the American mission?

Mr. BULLITT. That is what I was supposed to be. I am afraid I did not——

Senator KNOX. To get down to something specific, were you cognizant—I presume you were from what you say—of the negotiations in relation to the league of nations?

Mr. BULLITT. I was, to a considerable extent. I had been greatly interested in it always, and when I reached Paris I had a number of conversations with, notably, Col. House, who was very much interested in it. I had also talked with the President, going over on the *George Washington*, about it.

Senator KNOX. How many plans were there for a league of nations that came under your observation, and whose plans were they?

Mr. BULLITT. There was, of course, Gen. Smuts's plan, with which everyone is familiar.

Senator KNOX. Yes.

Mr. BULLITT. I also saw Lord Robert Cecil's plan, the first draft of which, the preliminary draft of which, I happen to have a copy of.

Senator KNOX. Have you that here?

Mr. BULLITT. Yes, sir.

Senator KNOX. Will you produce it, please?

Mr. BULLITT. I will, sir [producing paper]. This is the first draft of Lord Robert Cecil's plan. This is, I believe, the first British proposition which was sent to the American commission.

Senator KNOX. We will put that in the record, Mr. Chairman?

The CHAIRMAN. Certainly; it goes in the record.

(The document referred to was marked by the stenographer "Bullitt Exhibit No. 1," and is here printed in full in the record, as follows:)

BULLITT EXHIBIT No. 1.

LEAGUE OF NATIONS.

(Plan of Lord Robert Cecil.)

I.

ORGANIZATION.

The general treaty setting up the league of nations will explicitly provide for regular conferences between the responsible representatives of the contracting powers.

These conferences would review the general conditions of international relations and would naturally pay special attention to any difficulty which might seem to threaten the peace of the world. They would also receive and as occasion demanded discuss reports as to the work of any international administrative or investigating bodies working under the League.

These conferences would constitute the pivot of the league. They would be meetings of statement responsible to their own sovereign parliaments, and any decisions taken would therefore, as in the case of the various allied conferences during the war, have to be unanimous.

The following form of organization is suggested:

1. *The conference.*—Annual meeting of prime ministers and foreign secretaries of British Empire, United States, France, Italy, Japan and any other States recognized by them as great powers. Quadrennial meeting of representatives of all States included in the league. There should also be provision for the summoning of special conferences on the demand of any one of the great powers or, if there were danger of an outbreak of war, of any member of the league. (The composition of the league will be determined at the peace conference. Definitely untrustworthy and hostile States, e. g., Russia, should the Bolshevist government remain in power, should be excluded. Otherwise it is desirable not to be too rigid in scrutinizing qualifications, since the small powers will in any case not exercise any considerable influence.)

2. For the conduct of its work the interstate conference will require a permanent secretariat. The general secretary should be appointed by the great powers, if possible choosing a national of some other country.

3. *International bodies.*—The secretariat would be the responsible channel of communication between the interstate conference and all international bodies functioning under treaties guaranteed by the league. These would fall into three classes:

(*a*) Judicial; i. e., the existing Hague organization with any additions or modifications made by the league.

(*b*) International administrative bodies. Such as the suggested transit commission. To these would be added bodies already formed under existing treaties (which are very numerous and deal with very important interests, e. g., postal union, international labor office, etc.).

(*c*) International commissions of enquiry: e. g., commission on industrial conditions (labor legislation), African commission, armaments commission.

4. In addition to the above arrangements guaranteed by or arising out of the general treaty, there would probably be a periodical congress of delegates of the parliaments of the States belonging to the league, as a development out of the existing Interparliamentary Union. A regular staple of discussion for this body would be afforded by the reports of the interstate conference and of the different international bodies. The congress would thus cover the ground that is at present occupied by the periodical Hague Conference and also the ground claimed by the Socialist International.

For the efficient conduct of all these activities it is essential that there should be a permanent central meeting-place, where the officials and officers of the league would enjoy the privileges of extraterritoriality. Geneva is suggested as the most suitable place.

II.

Prevention of War.

The covenants for the prevention of war which would be embodied in the general treaty would be as follows:

(1) The members of the league would bind themselves not to go to war until they had submitted the questions at issue to an international conference or an arbitral court, and until the conference or court had issued a report or handed down an award.

(2) The members of the league would bind themselves not to go to war with any member of the league complying with the award of a court or with the report of a conference. For the purpose of this clause, the report of the conference must be unanimous, excluding the litigants.

(3) The members of the league would undertake to regard themselves, as ipso facto, at war with any one of them acting contrary to the above covenants, and to take, jointly and severally, appropriate military, economic and other measure against the recalcitrant State.

(4) The members of the league would bind themselves to take similar action, in the sense of the above clause, against any State not being a member of the league which is involved in a dispute with a member of the league and which does not agree to adopt the procedure obligatory on members of the league. (This is a stronger provision than that proposed in the Phillimore Report.)

The above covenants mark an advance upon the practice of international relations previous to the war in two respects: (1) In insuring a necessary period of delay before war can break out (except between two States which are neither of them members of the league; (2) In securing public discussion and probably a public report upon matters in dispute.

It should be observed that even in cases where the conference report is not unanimous, and therefore in no sense binding, a majority report may be issued and that this would be likely to carry weight with the public opinion of the States in the league.

Senator Knox. What other plan do you know of besides Lord Robert Cecil's plan, which you have just produced?

Mr. Bullitt. There were, of course, the President's various proposals.

Senator Knox. Do you have a copy of the President's original proposition for a league of nations with you?

Mr. Bullitt. I have, sir.

Senator Knox. Will you produce it?

Mr. BULLITT. I have this in two forms. I happen to have a rather curious document here, which I hope may be returned to me, inasmuch as it is a unique copy. It is the President's original proposal, written on his own typewriter, I believe, which was presented to me on January 10 by Col. House, with an inscription on the top of it.

Senator KNOX. By Col. House?

Mr. BULLITT. Yes, sir.

Senator BRANDEGEE. January 10, 1919?

Mr. BULLITT. 1919; yes, sir.

Senator KNOX. Suppose you read that inscription by Col. House.

Mr. BULLITT (reading). "For W. C. Bullitt, in appreciation of your help in an hour of need. E. M. House, January 10, 1919."

Senator KNOX. That is the President's original proposal, is it?

Mr. BULLITT. This proposal, I believe, was presented on January 10—that is, the President used this proposal as the basis of discussion on January 10 with Mr. Clemenceau, Mr. Lloyd-George, and Lord Robert Cecil. I am not certain of that. I was informed of what it was to be used for by Col. House. I am not certain whether the President so used it or not; but this was the President's original proposition. The notes on the side of it, where you find references such as "H-21," were with reference to an earlier proposition of Col. House to the President.

Senator KNOX. Have you a copy of that?

Mr. BULLITT. I have not, sir.

Senator BRANDEGEE. Did you see it?

Mr. BULLITT. I did not, sir.

(The document last referred to was marked by the stenographer "Bullitt Exhibit No. 2," and is here printed in the record, as follows:)

BULLITT EXHIBIT No. 2.

(Note in pencil: For W. C. Bullitt. In appreciation of your help in an hour of need. E. M. House, Jan. 10/19.)

COVENANT.

PREAMBLE.

In order to secure peace, security, and orderly government by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the powers signatory to this covenant and agreement jointly and severally adopt this constitution of the league of nations.

ARTICLE I.

The action of the signatory powers under the terms of this agreement shall be effected through the instrumentality of a body of delegates which shall consist of the ambassadors and ministers of the contracting powers accredited to H. and the minister for foreign affairs of H. The meetings of the body of delegates shall be held at the seat of government of H. and the minister for foreign affairs of H. shall be the presiding officer of the body.

Whenever the delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S., in which case the ambassador or minister to H. of the country in which the meeting is held shall be the presiding officer pro tempore.

It shall be the privilege of any of the contracting powers to assist its representative in the body of delegates by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular diplomatic representative accredited to H.

ARTICLE II.

The body of delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the body of delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the league of nations as defined in this covenant, or any matter likely to affect the peace of the world; but all actions of the body of delegates taken in the exercise of the functions and powers granted to them under this covenant shall be first formulated and agreed upon by an executive council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the great powers together with representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the great powers and the other of the representatives of the minor States (a classification which the body of delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the great powers; and three or more negative votes in the council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the body of delegates upon the recommendation of the executive council, except those adopted in execution of any direct powers herein granted to the body of delegates themselves, shall have the effect of ecommendations to the several governments of the league.

The executive council shall appoint a permanent secretariat and staff and may appoint joint committees chosen from the body of delegates or consisting of specially qualified persons outside of that body, for the study and systematic consideration of the international questions with which the council may have to deal, or of questions likely to lead to international complications or disputes. It shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the signatory powers and with any governments or agencies which may be acting as mandatories of the league of nations in any part of the world.

ARTICLE III.

The contracting powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples; and that territorial changes may in equity involve material compensation. The contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.

ARTICLE IV.

H. 21. The contracting powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the delegates are directed to formulate at once plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the governments signatory to this covenant.

As the basis for such a reduction of armaments, all the powers subscribing to the treaty of peace of which this covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defence and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The body of delegates shall also determine for the consideration and action of the several governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the body of delegates.

The contracting powers further agree that munitions and implements of war shall not be manufactured by private enterprise or for private profit, and that there shall be full and frank publicity as to all national armaments and mili'ary or naval programmes.

ARTICLE V.

H. 13. The contracting powers jointly and severally agree that, should disputes or difficulties arise between or among them which can not be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the executive council of the body of delegates or until there has been an award by the arbitrators or a decision by the executive council; and that they will not even then resort to armed force as against a member of the league of nations who complies with the award of the arbitrators or the decision of the executive council.

The powers signatory to this covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty can not be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a tie vote among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties can not agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the body of delegates.

On the appeal of a party to the dispute the decision of the arbitrators may be set aside by a vote of three-fourths of the delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the executive council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The council shall immediately accept the reference and give notice to the other party or parties, and shall make the necessary arrangements for a full he ring, investigation, and consideration. It shall ascertain all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the league shall place at the disposal of the executive council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the executive council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the executive council shall be addressed to the disputants, and shall not have the force of a binding verdict. Should the executive council fail to arrive at any conclusion, it shall be the privilege of the members of the executive council to publish their several conclusions or recommendations; and such publication shall not be regarded as an unfriendly act by either or any of the disputants.

ARTICLE VI.

Should any contracting power break or disregard its covenants under Article V it shall thereby ipso facto become at war with all the members of the league, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a member of the league of nations or not.

It shall be the privilege and duty of the executive council of the body of delegates in such a case to recommend what effective military or naval force the members of the league of nations shall severally contribute, and to advise, if it should think best, that the smaller members of the league be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State shall, after the restoration of peace, be subject to perpetual disarmamemt and to the regulations with regard to a peace establishment provided for new States under the terms of supplementary Article 3.

ARTICLE VII.

If any power shall declare war or begin hostilities, or take any hostile step short of war, against another power before submitting the dispute involved to arbitrators or consideration by the executive council as herein provided, or shall declare war or begin hostilities, or take any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators chosen and empowered as herein provided, the contracting powers hereby bind themselves not only to cease all commerce and intercourse with that power but also to unite in blockading and closing the frontiers of that power to commerce or intercourse with any part of the world and to use any force that may be necessary to accomplish that object.

ARTICLE VIII.

H. 5, 7, 8. Any war or threat of war, whether immediately affecting any of the contractinlg powers or not, is hereby declared a matter of concern to the league of nations and to all the powers signatory hereto, and those powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the nations signatory or adherent to this covenant to draw the attention of the body of delegates to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The delegates shall meet in the interest of peace whenever war is rumoured or threatened, and also whenever the delegate of any power shall inform the delegates that a meeting and conference in the interest of peace is advisable.

The delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

ARTICLE IX.

H. 16, 17. In the event of a dispute arising between one of the contracting powers and a power not a party to this covenant, the contracting power involved hereby binds itself to endeavour to obtain the submission of the dispute to judicial decision or to arbitration. If the other power will not agree to submit the dispute to judicial decision or to arbitration, the contracting power shall bring the matter to the attention of the body of delegates. The delegates shall in such case, in the name of the league of nations, invite the power not a party to this covenant to become ad hoc a party and to submit its case to judicial decision or to arbitration, and if that power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or discussion shall be in all respects applicable to the dispute both in favour of and against such power as if it were a party to this covenant.

In case the power not a party to this covenant shall not accept the invitation of the delegates to become ad hoc a party, it shall be the duty of the executive council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the contracting powers as may seem best and most effectual in the circumstances disclosed.

ARTICLE X.

H. 18. If hostilities should be begun or any hostile action taken against the contracting power by the power not a party to this covenant before a decision of the dispute by arbitrators or before investigation, report, and recommendation by the executive council in regard to the dispute, or contrary to such recommendation, the contracting powers shall thereupon cease all commerce and communication with that power and shall also unite in blockading and closing the frontiers of that power to all commerce or intercourse with any part of the world, employing jointly any force that may be necessary to accomplish that object. The contracting powers shall also unite in coming to the assistance of the contracting power against which hostile action has been taken, combining their armed forces in its behalf.

ARTICLE XI.

H. 19. In case of a dispute between States not parties to this covenant, any contracting power may bring the matter to the attention of the delegates, who shall thereupon tender the good offices of the league of nations with a view to the peaceable settlement of the dispute.

If one of the States, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the league of nations, that State shall ad hoc be deemed a contracting power. If no one of the States, parties to the dispute, shall so offer and agree, the delegates shall, through the executive council, of their own motion take such action and make such recommendation to their Governments as will prevent hostilities and result in the settlement of the dispute.

ARTICLE XII.

H. 22 Any power not a party to this covenant, whose government is based upon the principle of popular self government, may apply to the body of delegates for leave to become a party. If the delegates shall regard the granting thereof as likely to promote the peace, order, and security of the world, they may act favourably on the application, and their favourable action shall operate to constitute the power so applying in all respects a full signatory party to this covenant. This action shall require the affirmative vote of two-thirds of the delegates.

ARTICLE XIII.

H. 23. The contracting powers severally agree that the present covenant and convention is accepted as abrogating all treaty obligations inter se which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the powers signatory hereto or subsequently admitted to the league of nations shall, before becoming a party to this covenant, have undertaken any treaty obligations which are inconsistent with the terms of this covenant, it shall be the duty of such power to take immediate steps to procure its release from such obligations.

SUPPLEMENTARY AGREEMENTS.

I.

In respect of the peoples and territories which formerly belonged to Austria-Hungary, and to Turkey, and in respect of the colonies formerly under the dominion of the German Empire, the league of nations shall be regarded as the residuary trustee with sovereign right of ultimate disposal or of continued administration in accordance with certain fundamental principles hereinafter set forth; and this reversion and control shall exclude all rights or privileges of annexation on the part of any power.

These principles are, that there shall in no case be any annexation of any of these territories by any State either within the league or outside of it, and that in the future government of these peoples and territories the rule of self-determination, or the consent of the governed to their form of government, shall be fairly and reasonably applied, and all policies of administration or economic development be based primarily upon the well-considered interests of the people themselves.

II.

Any authority, control, or administration which may be necessary in respect of these peoples or territories other than their own self-determined and self-organized autonomy shall be the exclusive function of and shall be vested in the league of nations and exercised or undertaken by or on behalf of it.

It shall be lawful for the league of nations to delegate its authority, control, or administration of any such people or territory to some single State or organized agency which it may designate and appoint as its agent or mandatory; but whenever and wherever possible or feasible the agent or mandatory; so appointed shall be nominated or approved by the autonomous people or territory.

III.

The degree or authority, control, or administration to be exercised by the mandatary State or agency shall in each case be explicitly defined by the league in a special act or charter which shall reserve to the league complete power of supervision and of

untimate control, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the league for the redress or correction of any breach of the mandate by the mandatary State or agency, or for the substitution of some other State or agency as mandatary.

The mandatary State or agency shall in all cases be bound and required to maintain the policy of the open door, or equal opportunity for all the signatories to this covenant, in respect of the use and development of the economic resources of such people or territory.

The mandatary State or agency shall in no case form or maintain any military or naval force in excess of definite standards laid down by the league itself for the purposes of internal police.

IV.

No new State arising or created from the old empires of Austria-Hungary, or Turkey shall be recognized by the league or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the league in respect of it from time to time.

As successor to the Empire, the league of nations is empowered, directly and without right of delegation, to watch over the relations inter se of all new independent States arising or created out of the Empires, and shall assume and fulfil the duty of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

V.

The powers signatary or adherent to this covenant agree that they will themselves seek to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions who are engaged in manual labour and that they will exert their influence in favour of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend.

VI.

The league of nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous states, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

Senator KNOX. If you do not mind, I would rather you would go on and tell the story in your own way. You see what I am trying to get at? I am trying to get at the history of the various proposals, by whom they were discussed and to whom they were referred, and how they were considered by others. Do you see what I want?

Mr. BULLITT. Yes, sir.

Senator KNOX. Go on and tell it in your own way.

Mr. BULLITT. There are slight changes in the printing of the president's first proposal, and the first proposal here, because of curious spellings in places in the original of the proposal. I have here a first printing of it, which you would perhaps prefer to have.

Senator KNOX. I think we will put them both in the record, Mr. Chairman. Of course Mr. Bullitt will be expecting to have these documents back.

The CHAIRMAN. If you know that the print is accurately printed from that, perhaps that would be better.

Senator KNOX. Yes; but that is not these papers, as I understand it.

Mr. BULLITT. I doubt if it is.

The CHAIRMAN. You have it, anyway, and it will do no harm to put them both in.

Mr. BULLITT. I have here three drafts of American projects, but what I believe was the first American draft is this. This was the first printing [indicating]. This, sir, is another proposal.

(The printed copy of the first proposal above referred to, marked 'Bullitt Exhibit No. 3," is here printed in the record in full, as follows:)

BULLITT EXHIBIT NO. 3.

COVENANT.

PREAMBLE.

In order to secure peace, security, and orderly government by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the Powers signatory to this covenent and agreement jointly and severally adopt this constitution of the League of Nations.

ARTICLE I.

The action of the Signatory Powers under the terms of this agreement shall be effected through the instrumentality of a Body of Delegates which shall consist of the ambassadors and ministers of the contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body of Delegates shall be held at the seat of government of H. and the Minister for Foreign Affairs of H. shall be the presiding officer of the Body.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S., in which case the Ambassador or Minister to H. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

It shall be the privilege of any of the contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative ro its regular diplomatic representative accredited to H.

ARTICLE II.

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this Covenant, or any matter likely to affect the peace of the world; but all actions of the Body of Delegates taken in the exercise of the functions and powers granted to them under this Covenant shall be first formulated and agreed upon by an Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers together with representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the Great Powers and the other of the representatives of the minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the Great Powers; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the Body of Delegates upon the recommendation of the Executive Council, except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves, shall have the effect of recommendations to the several governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees chosen from the Body of Delegates or consisting of specially qualified persons outside of that Body, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications of disputes. It shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the signatory powers and with any governments or agencies which may be acting as mandatories of the League of Nations in any part of the world.

ARTICLE III.

The Contracting Powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the Delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples; and that territorial changes may in equity involve material compensation. The Contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of Political jurisdiction or boundary.

ARTICLE IV.

The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement of common action of international obligations; and the Delegates are directed to formulate at once plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Governments signatory to this Covenant.

As the basis for such a reduction of armaments, all the Powers subscribing to the Treaty of Peace of which this Covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defence and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The Body of Delegates shall also determine for the consideration and action of the several governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise or for private profit, and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

ARTICLE V.

The Contracting Powers jointly and severally agree that, should disputes or difficulties arise between or among them which can not be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council of the Body of Delegates or until there has been an award by the arbitrators or a decision by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the decision of the Executive Council.

The Powers signatory to this Covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, submit the whole subject-matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a tie vote among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Body of Delegates.

On the appeal of a party to the dispute the decision of the arbitrators may be set aside by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside, the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and give notice to the other party or parties, and shall make the necessary arrangements for a full hearing, investigation, and consideration. It shall ascertain all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the Executive Council shall do every thing in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the Executive Council shall be addressed to the disputants, and shall not have the force of a binding verdict. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants.

ARTICLE VI.

Should any contracting Power break or disregard its covenants under Article V, it shall thereby *ipso facto* become at war with all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a member of the League of Nations or not.

It shall be the privilege and duty of the Executive Council of the Body of Delegates in such a case to recommend what effective military or naval force the members of the League of Nations shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State shall, after the restoration of peace, be subject to perpetual disarmament and to the regulations with regard to a peace establishment provided for new States under the terms Supplementary Article 3.

ARTICLE VII.

If any Power shall declare war or begin hostilities, or take any hostile step short of war, against another Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or shall declare war or begin hostilities, or take any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators chosen and empowered as herein provided, the Contracting Powers hereby bind themselves not only to cease all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers of that Power to commerce or intercourse with any part of the world and to use any force that may be necessary to accomplish that object.

ARTICLE VIII.

Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern to the League of Nations and to all the Powers signatory hereto, and those Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the nation signatory or adherent to this Covenant to draw the attention of the Body of Delegates to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The Delegates shall meet in the interest of peace whenever war is rumored or threatened, and also whenever the Delegate of any Power shall inform the Delegates that a meeting and conference in the interest of peace is advisable.

The Delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

ARTICLE IX.

In the event of a dispute arising between one of the Contracting Powers and Power not a party to this Covenant, the Contracting Power involved hereby binds itself to endeavor to obtain the submission of the dispute to judicial decision or arbitration. If the other Power will not agree to submit the dispute to judicial decision or to arbitration, the Contracting Power shall bring the matter to the attention of the Body of Delegates. The Delegates shall in such a case, in the name of the League of Nations, invite the Power not a party to this Covenant to become *ad hoc* a party and to submit its case to judicial decision or to arbitration, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or discussion shall be in all respects applicable to the dispute both in favour of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Delegates to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

ARTICLE X.

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Powers shall thereupon cease all commerce and communication with that Power and shall also unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, employing jointly any force that may be necessary to accomplish that object. The Contracting Powers shall also unite in coming to the assistance of the Contracting Power against which hostile action has been taken, combining their armed forces in its behalf.

ARTICLE XI.

In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Delegates, who shall thereupon tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the states, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the League of Nations, that state shall *ad hoc* be deemed a Contracting Power. If no one of the states, parties to the dispute, shall so offer and agree, the Delegates shall, through the Executive Council, of their own motion take such action and make such recommendation to their governments as will prevent hostilities and result in the settlement of the dispute.

ARTICLE XII.

Any Power not a party to this Covenant, whose government is based upon principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they may act favourably on the application, their favourable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Delegates.

ARTICLE XIII.

The Contracting Powers severally agree that the present Covenant and Convention is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

SUPPLEMENTARY AGREEMENTS.

I.

In respect to the peoples and territories which formerly belonged to Austria-Hungary, and to Turkey, and in respect of the colonies formerly under the dominion of the German Empire, the League of Nations shall be regarded as the residuary trustee with sovereign right of ultimate disposal or of continued administration in accordance with certain fundamental principles hereinafter set forth; and this reversion and control shall exclude all rights or privileges of annexation on the part of any Power.

These principles are, that there shall in no case be any annexation of any of these territories by any State either within the League or outside of it, and that in the future government of these peoples and territories the rule of self-determination, or the consent of the governed to their form of government, shall be fairly and reasonably applied, and all policies of administration or economic development be based primarily upon the well-considered interests of the people themselves.

II.

Any authority, control, or administration which may be necessary in respect of these peoples or territories other than their own self-determined and self-organized autonomy shall be the exclusive function of and shall be vested in the League of Nations and exercised or undertaken by or on behalf of it.

It shall be lawful for the League of Nations to delegate its authority, control, or administration of any such people or territory to some single State or organized agency which it may designate and appoint as its agent or mandatory; but whenever or wherever possible or feasible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

III.

The degree of authority, control, or administration to be exercised by the mandatary State or agency shall in each case be explicitly defined by the League in a special Act or Charter which shall reserve to the League complete power of supervision and of intimate control, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League for the redress or correction of any breach of the mandate by the mandatary State or agency or for the substitution of some other State or agency, as mandatary.

The mandatary State or agency shall in all cases be bound and required to maintain the policy of the open door, or equal opportunity for all the signatories to this Covenant, in respect of the use and development of the economic resources of such people or territory.

The mandatary State or agency shall in no case form or maintain any military or naval force in excess of definite standards laid down by the League itself for the purposes of internal police.

IV.

No new State arising or created from the old Empires of Austria-Hungary, or Turkey shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

As success to the Empires, the League of Nations is empowered, directly and without right of delegation, to watch over the relations *inter se* of all new independent States arising or created out of the Empires, and shall assume and fulfil the duty of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

V.

The Powers signatory or adherent to this Covenant agree that they will themselves seek to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions who are engaged in manual labour and that they will exert their influence in favour of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend.

VI.

The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

Mr. BULLITT. This is another proposal. After the first proposal was printed, it was turned over to Mr. David Hunter Miller and Mr. Gordon Auchincloss, who acted as international law advisers. Mr. Auchincloss was also Col. House's secretary. They prepared this document, which contains their advice, comments, and suggestions on the subject.

Senator KNOX. That is, after the President's draft had been submitted to them Miller and Auchincloss made comments and suggestion?

Mr. BULLITT. Yes, sir.

Senator KNOX. That should be identified, Mr. Reporter.

(The document last referred to was marked by the reporter "Bullitt Exhibit No. 4," and is here printed in full in the record, as follows:)

BULLITT EXHIBIT No. 4.

COVENANT.

PREAMBLE.

In order to secure peace, security, and orderly government by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the Powers signatory to this covenant and agreement jointly and severally adopt this constitution of the League of Nations.

ARTICLE I.

The action of the Signatory Powers under the terms of this agreement shall be affected through the instrumentality of a Body of Delegates which shall consist of the ambassadors and ministers of the contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body of Delegates shall be held at the seat of government of H. and the Minister for Foreign Affairs of H. shall be the presiding officer of the Body.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S., in which case the Ambassador or Minister to H. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

COMMENT.

The words "of the world" are inserted, as the constitution is international.

Uniformly throughout the Suggestions, "Covenant" is substituted for "covenant and agreement" as here, or "agreement" (Article 1) or "Covenant and Convention" (Article XIII).

The words "jointly and severally" add nothing to the Preamble and technically go beyond the actual agreement, as at least one agreement is specifically "several" (Article XIII).

COMMENT.

Uniformly throughout the Suggestions, "Contracting Powers" is used instead of "Signatory Powers" as here. "Powers Signatory" (Article V) "nations signatory or adherent" (Article VIII), etc.

Under the Covenant, it is not the "action" of the Contracting Powers which is affected through the instrumentality of the Body of Delegates (See e. g. Articles VI and VII).

It is essential to state how many Delegates must be present for a valid meeting. Inference from ordinary parliamentary rules might suggest a bare majority, but obviously nearly all Delegates should be present. Hence the suggestion of nine-tenths as constituting a quorum.

SUGGESTION—PREAMBLE.

In order to secure the peace, security, and orderly government of the world by the prescription of open, just, and honorable relations between nations by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and the scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the Powers signatory to this Covenant adopt this Constitution of the League of Nations.

SUGGESTION—ARTICLE I.

The instrumentality of the Contracting Powers under the terms of this Covenant shall be a Body of Delegates which shall consist of the ambassadors and ministers of the Contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body of Delegates shall be held at the seat of government of H. and the Minister for Foreign Affairs of H. shall be the presiding officer of the Body.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S., in which case the Ambassador or Minister to H. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

Bullitt Exhibit No. 4—Continued.

It shall be the privilege of any of the contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular diplomatic representative accredited to H.

ARTICLE II.

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this Covenant, or any matter likely to affect the peace of the world; but all actions of the Body of Delegates taken in the exercise of the functions and powers granted to them under this Covenant shall be first formulated and agreed upon by an Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers together with the representatives drawn in annual rotation from two panels, one of which shall be made up

COMMENT.

First Paragraph:

It is essential to state in each case specifically whether or not the Body of Delegates can act by majority, two-thirds, three-fourths, etc. Hence, the suggestion of a majority vote in matters of procedure and appointment of committees.

Second Paragraph:

The first sentence gives the Body of Delegates the right of discussion. No change is suggested.

It shall be the privilege of any of the Contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular diplomatic representative accredited to H.

A quorum of the Body of Delegates at any meeting shall consist of nineteen of the members thereof.

SUGGESTION—ARTICLE II.

The Body of Delegates shall by majority vote regulate their own procedure and shall have power by majority vote to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this Covenant, or any matter likely to affect the peace of the world.

next after the Great Powers and the other of the representatives of the minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the Great Powers; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the Body of Delegates upon the recommendation of the Executive Council, except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves, shall have the effect of recommendations to the several governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees chosen from the Body of Delegates or consisting of specially qualified persons outside of that Body, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes. It shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the signatory powers and with any governments or agencies which may be acting as mandatories of the League of Nations in any part of the world.

Bullitt Exhibit No. 4—Continued.

	COMMENT.	SUGGESTION.
	The second sentence commences by limiting all actions of the Body of Delegates to those "first formulated and agreed upon by the Executive Council." This language is extremely sweeping. For example, as it specifically includes all actions "taken in the exercises of the functions and powers granted to them (the Body of Delegates) under this Covenant" it would include even their regulation of procedure under the first paragraph of this Article and their appointment of committees. Emphasis is laid on this point as the language is absolutely inclusive and furthermore is exclusive of any power of amendment by the Body of Delegates. It would be simpler to provide that the powers of the Body of Delegates shall be only those specifically granted in the Covenant, and in each necessary case when a power is granted, to limit *specifically* its exercise by the requirement of a precedent recommendation of the Executive Council. This would permit questions of procedure and such matters as are merely advisory (e. g. Article IV) to be passed on by the Body of Delegates, and give them independently useful but harmless work to do.	The Body of Delegates shall have only the powers specifically granted thereto in this Covenant and no others.
	After providing that the Executive Council may act either upon reference or upon its own initiative, the composition of the Executive Council is provided for.	An Executive Council is hereby constituted, which may act either upon reference or upon its own initiative.

COMMENT.	SUGGESTION.
The States are to be divided into three classes: (a) The Great Powers. (b) The States ranking next after the Great Powers. (c) The minor States. This classification is to be established in the first instance by the Body of Delegates. Here is one exception, presumably, to the requirement that the Body of Delegates can act only after its action is formulated and agreed upon by the Executive Council, for the classification of the Powers in the first instance must be made by the Body of Delegates before any Executive Council exists. There is no provision as to whether the Body of Delegates in this case shall act by majority vote or not. All would agree that there are now five Great Powers, but nothing can be imagined as much more likely to cause discord than an attempt to have some thirty or forty States classify themselves into "Powers ranking next after the Great Powers" and "Minor States." At the outset there would be nine members of the Executive Council and presumably, though not specifically stated, two members would be drawn from each of the two panels yearly. It is not stated whether the drawing is to be alphabetical or by lot, and if the latter, by whom made. If the drawing were alphabetical and if Germany were not regarded as a Great Power at the outset, the four Powers for the	The Executive Council shall be composed of the representatives of nine Powers, including always Great Britain, France, United States of America, Italy, and Japan. At the first meeting of the Body of Delegates and annually thereafter, the Body of Delegates shall by majority vote, choose four other Contracting Powers, whose representatives shall constitute the remaining members of the Executive Council for the ensuing year. But no Power shall be chosen for a second or subsequent time as one of such four Powers unless all other Contracting Powers (other than the five Powers heretofore specifically named) have been so chosen since the previous choice of that Power.

Bullitt Exhibit No. 4—Continued.

first year (in the French language) would probably be Germany and Argentina, and Belgium and Bolivia.

Of course the control of the League must in reality be with the Great Powers. It is submitted that it would be simpler and cause less friction to provide directly for an Executive Council of nine Powers, including the five Great Powers, the other four to be elected annually by the Body of Delegates without being eligible for re-election until representatives of all the other Member Powers have served on the Council.

COMMENT.

The last sentence of the second paragraph provides that three votes in the Council shall be a veto of any action or resolution proposed.

The suggestion is that it be specifically provided that seven members of the Council shall constitute a quorum, and that seven or more votes be required for any action of the Council; thus preventing action at a meeting at which say only six members were present, even if it were unanimous.

Third Paragraph:

In view of the general and specific limitations on the powers of the Body of Delgates, it is believed that this paragraph may be omitted without increasing the powers of the Body of Delegates.

COMMENT.

Fourth Paragraph:

Only a slight change in verbiage is suggested.

SUGGESTION.

Any decision, vote, action, or recommendation of the Executive Council may be made only by seven or more votes.

SUGGESTION.

The Executive Council shall appoint a permanent Secretariat and staff, and may appoint committees chosen either from the Body of Delegates or wholly or partly from specially qualified persons outside of the Body of Delegates, for the study and systematic consideration of the international questions with which the Executive Council may have to deal, or of questions likely to lead to international complications or disputes. The Executive Council shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the Contracting Powers and with any governments or agencies which may be acting as mandatories of the League of Nations.

ARTICLE III.

The Contracting Powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the Delegates be demanded by the welfare and manifest interest of the peoples concerned, may be affected if agreeable to those peoples; and that territorial changes may in equity involve material compensation. The Contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of Political jurisdiction or boundary.

COMMENT.

No lengthy discussion of the legal effect of language of guaranty will be attempted. The subject is very highly technical. One of the most famous illustrations is the discussion and doubt as to the guarantee of Luxemburg in the Treaty of May 11, 1867. Perhaps every international lawyer would now agree that a guarantee several in form is more effectual than any other.

But aside from any questions of several, joint or collective guarantees and their proper language, the question of policy presented by this Article in its first sentence is whether the United States should favor a guarantee of independence and integrity of every State by every other State.

Such an agreement would destroy the Monroe Doctrine. Under such an agreement, Germany, as well as the United States and even despite the United States, would have been bound to support Venezuela against Great Britain in 1895. Under such an agreement, Great Britain, France, and Japan might be bound to intervene in Chili or in Peru according to their views of the Tacna-Arica dispute either in addition to intervention by the United States.

Indeed any guaranty of independence and integrity means war by the guarantor if a breach of the independence or integrity of the guaranteed State is attempted and persisted in.

What the United States has done, is doing, and will do for Europe, is enough, without making an unasked sacrifice of her interests and those of Latin America, by giving up a policy which has prevented the

SUGGESTION.

Each Contracting Power severally covenants and guarantees that it will not violate the territorial integrity or impair the political independence of any other Contracting Power.

The Contracting Powers recognize as a binding principle that the American Continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any extrinsic Powers.

Bullitt Exhibit No. 4—Continued.

countries south of the Rio Grande from being like Africa, pawns in the diplomacy of Europe.

That each Power should covenant for itself to respect the integrity and independence of every other Power in the League of Nations, and that failure to observe such a covenant should subject the covenant-breaking Power to the sanctions of the League of Nations, is undoubted. That policy looks toward the peace of the world and accords with the spirit of a community of nations. But the general policy of a guaranty against the acts of other States looks toward intervention and war by one or more of the guarantors, and is in accord only with the spirit of the old diplomacy.

That the future attitude of the United States and its policy and that of Latin America should not be left to inference but be beyond doubt or question, the constitution of the League of Nations should contain an express recognition of the Monroe Doctrine. Such an express recognition is suggested, in the words of President Monroe, substituting only the word "European" for "extrinsic."

COMMENT.

Article III as drawn, proceeds, after the language of guaranty, to state generally that certain territorial readjustments may be effected hereafter.

First: those that become necessary by reason of changes in racial conditions and aspirations or in social and political relationships pursuant to the principle of self-determination.

Second: those that in the judgment of three-fourths of the Delegates may be demanded by the welfare and manifes- interest of the peoples concerned, if agreet able to these peoples.

That the territorial adjustments made by the Peace Conference will not satisfy all claims, is the only thing now certain about them. Such general provisions as above mentioned will make that dissatisfaction permanent, will compel every Power to engage in propaganda and will legalize irredentist agitation in at least all of Eastern Europe. It is submitted that the contrary principle should prevail; as the drawing of boundaries according to racial or social conditions is in many cases an impossibility, protection of the rights of minorities and *acceptance of such protection by the* ***minorities*** constitute the only basis of enduring peace.

If these views are correct, the clauses in question should be omitted, and the qualifying provision as to material compensation need not be discussed.

The principle stated in the last sentence of Article III "that the peace of the world is superior in importance to every question of political jurisdiction or boundary" is not of universal application. It would not apply, for example, to the political jurisdiction of the United States over the Canal Zone, nor to the change in the boundary of the United States and Mexico. which was suggested by Germany. Further, and generally, if a country can not fight for its territorial integrity, why should it be regarded as the subject of guarantees?

The omission of the sentence mentioned is suggested.

Bullitt Exhibit No. 4—Continued.

ARTICLE IV.	COMMENT.	SUGGESTION.
The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Delegates are directed to formulate at once plans by which such reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Government signatory to this Covenant. As the basis for such a reduction of armaments, all the Powers subscribing to the Treaty of Peace of which this Covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defence and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph. The Body of Delegates shall also determine for the consideration and action of the several governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.	*First Paragraph:* No reason is perceived why the formulation of plans for reduction of armaments should not proceed without any requirement of prior recommendation by the Executive Council. Accordingly, only verbal changes are suggested.	The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Body of Delegates are directed to formulate at once plans by which such reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Contracting Powers.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise or for private profit, and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

Second Paragraph:

In the first sentence a verbal change is suggested.

The second sentence provides for agreements as to the "members and methods of training" of "forces of defense and of international action." It might be disputed whether this includes naval and air forces or not, as both sailors and aviators might well be "volunteers." Accordingly, the words "on land, at sea and in the air" are suggested for insertion.

Third Paragraph:

The language of the third paragraph is not so explicit as that of the first, in requiring unanimous approval by the Contracting Powers of the scale of equipment and armament fixed by the Body of Delegates. Verbal changes are suggested to cover this doubt.

The insertion of the words "naval and air" is also suggested.

No reason is perceived why these recommendations of the Body of Delegates should require prior recommendation of the Executive Council. The last sentence gives the Body of Delegates implied power to permit the limits of armaments, etc., unanimously agreed upon by the Contracting Powers, to be exceeded. Perhaps a majority of the Body of Delegates is not intended, but it is submitted that the unanimous agreement of the Powers should not be set aside except by unanimous consent of the Powers, and it is suggested that the clause be omitted.

As the basis for such a reduction of armaments, all the Contracting Powers hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defence and of international action, on land, at sea and in the air, shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The Body of Delegates shall also determine for the consideration of the Contracting Powers, limits of military, naval and air equipment and armament which shall be fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; these limits shall be binding when, and only when, unanimously approved by the Contracting Powers.

Bullitt Exhibit No. 4—Continued.

As the action of the Body of Delegates under this article is only advisory, a clause is suggested permitting it to be taken by majority vote.

A clause prohibiting submarines in warfare is suggested as a beginning of a reduction of naval armaments.

The advisory recommendations of the Body of Delegates under this Article may be made by majority vote.

The Contracting Powers agree never to make use of armed submarines in naval operations, and further agree that they will hereafter build no submarines armed or capable of being armed and further agree that all submarines now in existence or under construction shall be dismantled and rendered incapable of being armed or shall be destroyed.

COMMENT.

Fourth Paragraph:

This paragraph in its first sentence prohibits private manufacture of "munitions and implements of war." These words would probably not include armor-plate, for example, but the language used would certainly include the manufacture of a gun for the United States by the Steel Trust, even at cost.

The United States has no power to prohibit the manufacture of articles within a state. Congress could practically exercise the power, in this regard, by the construction of Government plants, followed by the prohibition of the export of such articles as mentioned; but it is not understood that export shipments are to be prohibited in time of peace, as one Government might sell and ship to another.

SUGGESTION.

The Contracting Powers further agree that there shall be full and frank publicity as to all national armaments and military or naval programmes.

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The evils of such concerns as Krupps, for example, are admitted; but the desirability of practically compelling such Powers as China to build national munition plants may be doubted.

The present omission of the clause, in view of the study directed to be made of the whole subject, is suggested.

ARTICLE V.	COMMENT.	SUGGESTION.
The Contracting Powers jointly and severally agree that, should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the executive Council of the Body of Delegates or until there has been an award by the arbitrators or a decision by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the decision of the Executive Council.	As a preliminary to provisions for settlement of disputes, an express covenant to abide by awards or decisions is suggested as a *separate* Article.	The Contracting Powers severally Covenant that the terms of any award or decision in a dispute to which they are Parties, made by any Arbitral or Judicial Tribunal to which the same has been referred, shall be faithfully and honorably performed.
The Powers signatory to this Covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such	*First Paragraph:* This paragraph provides for *either* arbitration or inquiry before a resort to arms. The alternative is ambiguous, as one Power might wish arbitration and the other inquiry. The real essential is delay and publicity, so that the dispute will become one which can not lead to war, even if it remains undecided. It is submitted that the first requirement should be for inquiry,	The Contracting Powers severally Covenant to submit to a Permanent International Commission, for investigation and report, all disputes between them, of every nature whatsoever, which cannot be solved by direct diplomatic negotiation, other than disputes, the settlement of which is in fact achieved upon reference thereof to an arbitral or judicial tribunal; and they likewise covenant not to resort to any act of force

dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject-matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a tie vote among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Body of Delegates.

On the appeal of a party to the dispute the decision of the arbitrators may be set aside by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside, the dispute shall as in the so-called Peace Treaties of the United States.

Further, the Executive Council is not a body equipped for such inquiry. The Powers concerned always and naturally desire to be represented in the inquiring body, which should be able to meet in any part of the world which the Executive Council could not well do.

Accordingly, a series of paragraphs are suggested which embody the principles, and with some necessary modifications because of the multiple character of the Covenant, the language, of the Peace Treaties.

The substance of these provisions is a procedure of inquiry, followed by six months of renewed negotiations, during which periods there is to be no resort to force.

Such provisions of course permit the Parties to resort to any form of arbitration, if they so desire.

or to begin hostilities or to declare war pending the investigation and report of said Commission.

Each Contracting Power shall, by appointment made within one month after ratification by it of this Covenant designate one Commissioner as a member of the Commission mentioned in the preceding paragraph. Each Contracting Power may remove at any time, before investigation begins, the Commissioner appointed by it, appointing his successor upon the same occasion. Any vacancy shall be filled in the same manner as the original appointment.

The Commission sitting in the investigation of a dispute and reporting thereon, shall consist of those Commissioners appointed by the Parties to the dispute, together with a like number of Commissioners chosen, one by each Party, and together with one Commissioner chosen by agreement of the Parties.

Failing any designation, appointment or choice under either of the two preceding paragraphs, such designation, appointment or choice as the case may be shall be made by vote of the Executive Council.

The expenses of the Commission in any investigation and report shall be paid by the Parties to the dispute, in equal proportions.

The Commission, in any investigation and report, shall make their own rules of procedure.

Any decision or conclusion of the Commission and the terms of its report shall be adopted by a majority thereof.

in be sagaubmitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and give notice to the other party or parties, and shall make the necessary arrangements for a full hearing, investigation, and consideration. It shall ascertain all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the Executive Council shall be addressed to the disputants, and shall not have the force of a binding verdict. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several con-

In case of failure to agree upon the diplomatic solution of a dispute the Contracting Powers, Parties to the dispute, shall submit it to said Commission for investigation and report. The convocation of the Commission may be made by any Party. The Commission shall by preference sit in the country in which there are the greater facilities for the investigation, and the Contracting Powers shall furnish all the means and facilities required for the investigation and report. The report of the Commission shall be presented within a year counted from the date at which the Commission shall declare, by a declaration filed with the Secretariat of the League of Nations, that its work is begun, unless a prolongation of the time shall be accorded by the Parties. This report, which is purely advisory and does not bind the Parties as to any questions at issue, shall be prepared in various originals, one of which shall be presented to each of the Parties and the other shall be presented to the Executive Council.

After presentation of the report mentioned in the preceding paragraph, six months' time will be given to renewed negotiations in order to bring about a solution of the question in view of the findings of said report; and if after this new term the Parties should be unable to reach a friendly arrangement, they will proceed to submit the dispute to arbitration under the terms of any convention in force between them which they agree covers the question or questions investigated; if not so submitted to arbitration, and thereby amicably adjusted, any Party may proceed to submit the dispute to the Executive Council for consideration

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clusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants.

The second paragraph provides for "compulsory" arbitration in certain cases, the classes of which are stated. The difficulty with all such classifications is that they are extraordinarily difficult of application. Frequently the parties do not agree as to precisely what the dispute involves, or within what classification of disputes it would fall.

Inquiry serves to clear up such questions and is desirable on that account alone. One natural tendency of such inquiry therefore is to lead to arbitration by consent, in which case the procedure agreed on by the Parties is not material.

But while in form, the second paragraph provides for "compulsory" arbitration (the third, fourth and fifth paragraphs providing for the procedure), the final paragraph of the Article recognizes that the arbitration must really be voluntary, by the words "if for any reason it should prove impracticable to refer any matter to arbitration." One such reason would be that one or more of the Parties did not consider the dispute one within those agreed to be arbitrated, which would always be the case when one Party did not want arbitration.

It is accordingly submitted that arbitration of disputes should be in form, as in fact, voluntary, as the disputes which will be arbitrated cannot be determined in advance. Further, that inquiry should be necessary in all cases not submitted to arbitration, during a period of three months, for such mediatory action or recommendation as the Executive Council may deem wise in the circumstances. The Executive Council shall immediately accept the reference and give notice to the other Party or Parties, and shall make the necessary arrangements for a full hearing, investigation and consideration. The Executive Council shall ascertain all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any bears upon the facts or merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The recommendations of the Executive Council shall be addressed to the disputants, and shall not have any binding force. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants.

and that after inquiry, if agreement does not result, the Executive Council should take the dispute under consideration, substantially as provided in the final paragraph of the Article.

Accordingly, the suggestion is that the provisions for so-called "compulsory" arbitration and the procedure thereon be omitted and that the procedure of inquiry and subsequent reference to the Executive Council be adopted as reaching the same results.

Incidentally this would avoid objections which have been successfully raised, and always will be raised in the Senate, to binding and self-operative arbitration treaties.

An additional clause providing for the preservation of rights during dispute by the familiar means of a *modus vivendi* is suggested.

Finally there is suggested a Covenant against hostilities, which goes at least as far as the Covenant in the first paragraph of this Article.

The Contracting Powers severally covenant that while Parties to a dispute which is pending, and during the periods mentioned in the two preceding paragraphs, they will not do or omit any act the Commission or omission of which would tend to prejudice the position or final rights of any other Party to the dispute, and that the terms of a *modus vivendi* shall be agreed upon, preserving the rights of the Parties, pending and until the final determination of the dispute. In any case where the Parties are unable to agree upon the terms of such a *modus vivendi*, the terms thereof shall be formulated by the Commission and a *modus vivendi* embodying these terms shall be executed by the Parties and carried out by them in good faith.

The Contracting Powers severally covenant that while Parties to a dispute submitted to the Commission or under consideration by the Executive Council they will not commit any hostile act or commence hostilities or declare war against any other

ARTICLE VI.

Should any Contracting Power break or disregard its covenants under Article V, it shall thereby *ipso facto* become at war with all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a member of the League of Nations or not.

It shall be the privilege and duty of the Executive Council of the Body of Delegates in such a case to recommend what effective military or naval force the members of the League of Nations shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

COMMENT.

First Paragraph:

This Article provides by way of sanction for the breach of any covenant under the preceding Article, for an *ipso facto* war by all other members of the League upon the covenant-breaking State.

Doubtless the covenants referred to are those against committing hostilities, although there are covenants of another nature in the preceding Article as drawn.

A substantial objection to such a provision is that it would be void if contained in a treaty of the United States, as Congress under the Constitution has the power to declare war. A war automatically arising upon a condition subsequent, pursuant to a treaty provision, is not a war declared by Congress.

It is not doubted that by treaty the United States could agree to *declare* war under certain circumstances. If the circumstances arose, the failure of Congress to declare war would be a breach of the treaty; provisions of such nature are frequently found in treaties of alliance, which are within the treaty-making clause of the Constitution.

Party thereto; and the Contracting Powers further severally covenant that in no case will they commit any hostile act or commence hostilities or declare war against a Contracting Power which complies with the award of an Arbitral or Judicial Tribunal, or with the recommendations of the Executive Council.

SUGGESTION.

A breach by any contracting Power of any covenant contained in the preceding article shall constitute and be deemed an act hostile to all other contracting Powers, and they shall forthwith sever all diplomatic, consular and diplomatic relations with the offending Power. Any such breach of any covenant contained in the preceding article shall further suspend the obligation of all covenants in favor of the offending Power contained in this agreement and also in all treaties, conventions and other agreements theretofore entered into between the offending Power and all other contracting Powers.

The covenant-breaking State shall, after the restoration of peace, be subject to perpetual disarmament and to the regulations with regard to a peace establishment provided for new States under the terms Supplementary Article 3.

What may be called the embargo provisions of this paragraph of the Article are extended to the prevention of intercourse between the covenant-breaking state and neutrals. This would be going further than either side did in the present war, and it would amount to an abolition of the rights in time of war of a state which was neutral, but not a member of the League of Nations.

Perhaps it would be suggested that such a boycott might extend at least to the covenent-breaking state without war. The same distinction would apply in respect of such provisions as mentioned in the case of war. The automatic boycott to arise upon conditions subsequent would be void; but an agreement of the United States to create such a boycott would be a good agreement, which would leave it to Congress to comply with the terms of the treaty by passing the necessary legislation, or to omit to pass such legislation, and thus refuse to comply.

There are three reasons why the United States should not even enter into an agreement to declare war on a breach of a covenant of the League of Nations: First, no small State with a powerful neighbor would dare to make such an agreement, and such an agreement would almost certainly be broken by any state in which public sentiment did not support a declaration of war at the time. Second, such an agreement might create in fact an alliance between the United States and European or Asiatic Powers against one or more states of South America. Third, admittedly a State acting in bad faith or under great popular excite-

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ment, might defy the other members of the League, but the provisions of its constitution should be so drawn as to compel such a State to defy the rest of the world, and thus bring into play against it the real sanction of any League of Nations, namely the public opinion of the world. Any attempt to have war result from agreement in advance, and then to get public opinion to support it, is putting the cart before the horse.

It would seem that the farthest step which can now be taken in the direction of a sanction is to declare that any act of force in violation of the constitution of the League shall be deemed an act hostile to all other members of the League, and that all official relations between the members of the League and the offending Power shall cease. Such provision would present to the members of the League the question as to what steps each would take in respect of such an hostile act. Regardless of any words on paper, this would be the real situation which would be presented in any event. Every state whose people believed that they should not declare war under such circumstances would decline to do so regardless of any treaty provisions.

COMMENT.

There is another question in this connection which is of the utmost importance. Whatever steps are to be taken upon the violation of the essential covenants of the League, a preliminary question must always be decided, and that is, who is to judge, and how is it to be judged, whether the covenants

SUGGESTION.

No act of a Contracting Power shall be deemed, under the preceding article, a breach of Covenant, unless determined to be such by vote of the Executive Council, approved by majority vote of the body of delegates. Any such vote of the Executive Council shall determine not only the fact,

ARTICLE VII.

If any Power shall declare war or begin hostilities, or take any hostile step short of war, against another Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or shall declare war or begin hostilities, or take any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators chosen and empowered as herein provided, the Contracting Powers hereby bind themselves not only to cease all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers

of the League have or have not been broken. Suppose each of the two Powers to a dispute claimed that the other had committed the first act of aggression; such claims are customary, the latest instance being the fabled aggressions of France against Germany early in August, 1914.

Proper provisions for the determination of such questions are not only of the utmost practical importance, but are of great difficulty. As a basis for consideration the paragraph drafted in the suggestions commits the decision to the Body of Delegates, but with power to act only in accordance with the recommendation of the Executive Council.

Second and Third Paragraphs:

The second paragraph of the Article as drawn would fall with the provisions for an *ipso facto* war, and this is also necessarily true of the third paragraph.

COMMENT.

Reference is made to the previous discussion of sanctions. The acts to which the sanctions named in this article would apply, would substantially receive sanctions under the previous provisions suggested. The sanctions of this Article would amount to war, although not called war.

Pursuant to these views the suggestion is that the Article be omitted.

but the date of such breach of covenant, and shall, when approved by majority vote of the body of delegates as aforesaid be conclusive upon all the contracting Powers.

Bullitt Exhibit No. 4—Continued.

ARTICLE X.

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Power shall thereupon cease all commerce and communication with that Power and shall also unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, employing jointly any force that may be necessary to accomplish that object. The Contracting Powers shall also unite in coming to the assistance of the Contracting Power against which hostile action has been taken, combining their armed forces in its behalf.

COMMENT.

Reference is made to the previous discussion regarding sanctions. With the view of establishing a procedure which would put the moral force of the League of Nations and the opinion of the world behind a Member Power in a dispute with a non-member Power, the paragraph suggested in lieu of this Article permits the course of action of the Member Power to be wholly determined by the League of Nations and subsequent measures to be taken after joint consultation.

SUGGESTION.

In case of hostilities threatened or commenced between a Contracting Power and a non-Contracting Power, the Contracting Power concerned may entrust its interest to the League of Nations; in such case the course of action of that Contracting Power shall be determined by majority vote of the Body of Delegates in accordance with recommendations of the Executive Council, and the Contracting Powers agree through the Body of Delegates to exchange views as to the measures which may be necessary on the part of any of them to support and protect that course of action..

ARTICLE XI.

In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Delegates, who shall thereupon tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the states, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the League of Nations, the state shall *ad hoc* be deemed a Contracting Power. If no one of the states, parties to the dis-

COMMENT.

First Paragraph:

A majority of the Body of Delegates should be sufficient to tender good offices in the case of a dispute between outside Powers, and a provision to that effect is suggested as a change in the first paragraph.

Second Paragraph:

The second paragraph is too favorable to outside Powers as it gives them the advantages of membership without responsibility. The covenants of the Members of the League should not automatically apply in favor of an outside Power at its option,

SUGGESTION.

In case of a dispute betweeen States not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Body of Delegates who may thereupon by majority vote tender the good offices of the League of Nations with a view to the peaceful settlement of the dispute.

pute, shall so offer and agree, the Delegates shall, through the Executive Council, of their own motion take such action and make such recommendation to their governments as will prevent hostilities and result in the settlement of the dispute.

ARTICLE XII.

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they may act favorably on the application, and their favorable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Delegates.

ARTICLE XIII.

The Contracting Powers severally agree that the present Covenant and Convention is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

but their application should depend upon the wishes at the time of the Member Powers. Accordingly, the omission of the second paragraph is suggested.

COMMENT.

In this Article a specific provision for a favorable recommendation by the Executive Council is inserted.

Otherwise the changes suggested are verbal.

COMMENT.

Only a verbal change for conformity is suggested.

SUGGESTION.

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Body of Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they may act favorably on the application, and their favorable action, after favorable recommendation thereof by the Executive Council, shall operate to constitute the Power so applying, in all respects a Contracting Power. This action shall require the affirmative vote of two-thirds of the Body of Delegates.

SUGGESTION.

The Contracting Powers severally agree that the present Covenant is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenent, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

Bullitt Exhibit No. 4—Continued.

SUPPLEMENTARY AGREEMENTS.	COMMENT.	SUGGESTION.
I.		
In respect of the peoples and territories which formerly belonged to Austria-Hungary, and to Turkey, and in respect of the colonies formerly under the dominion of the German Empire, the League of Nations shall be regarded as the residuary trustee with sovereign right of ultimate disposal or of continued administration in accordance with certain fundamental principles hereinafter set forth; and this reversion and control shall exclude all rights or privileges of annexation on the part of any Power. These principles are, that there shall in no case be any annexation of any of these territories by any State either within the League or outside of it, and that in the future government of these peoples and territories the rule of self-determination, or the consent of the governed to their form of government, shall be fairly and reasonably applied, and all policies of administration or economic development be based primarily upon the well-considered interests of the people themselves.	*First paragraph:* This paragraph should not apply to Austria Hungary. Part of its territory will belong to Bohemia, which is already recognized as a sovereign State. Part of it will be annexed to Roumania, part to Italy, and some territories will doubtless become a portion of the new South Slav State. Furthermore, part of Galicia will be included in Poland. It is difficult to see what portions of the former territory of Austria Hungary would be subject to the League of Nations, with the exception of German Austria and perhaps Eastern Galicia. Attention is called to the fact that one of the German Colonies is Kiau-Chau, which, according to reports, Japan is willing to give up to China. The suggestion therefore is that the language shall not apply to Austria Hungary, and that an exception to the general language regarding the German Colonies should be made as to Kiau-Chau. *Second paragraph:* The change suggested in the second paragraph is striking out the words, "self-determination or," so that the language would read: "the rule of the consent of the governed to their form of government, etc." This rule as last stated is an American principle, whereas the rule of self-determination is one of very limited application and of practically no application at all in such territories as Turkey and the German Col-	In respect of the peoples and teritories which formerly belonged to Turkey, and in respect of the colonies formerly under the dominion of the German Empire (except Kiau-Chau) the League of Nations shall be regarded as the residuary trustee with sovereign right of ultimate disposal or of continued administration in accordance with certain fundamental principles hereinafter set forth; and this reversion and control shall exclude all rights or privileges of annexation on the part of any Power. These principles are, that there shall in no case be any annexation of any of these territories by any State either within the League of Nations or outside of it, and that in the future government of these peoples and territories the rule of the consent of the governed to their form of government shall be fairly and reasonably applied, and all policies of administration or economic development be based primarily upon the well-considered interests of the people themselves.

onies. It is to be pointed out that the rule of self-determination would prevent the establishment of a Jewish State in Palestine, and would prevent the establishment of any autonomous Armenia, which is a country in which the Armenians are in a decided minority.

II.

Any authority, control, or administration which may be necessary in respect of these peoples or territories other than their own self-determined and self-organized autonomy shall be the exclusive function of and shall be vested in the League of Nations and exercised or undertaken by or on behalf of it.

It shall be lawful for the League of Nations to delegate its authority, control, or administration of any such people or territory to some single State or organized agency which it may designate and appoint as its agent or mandatory; but whenever or wherever possible or feasible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

COMMENT.

No change is suggested.

SUGGESTION.

Any authority, control, or administration which may be necessary in respect of these peoples or territories other then their own self-determined and self-organized autonomy shall be the exclusive function of and shall be vested in the League of Nations and exercised or undertaken by or on behalf of it.

It shall be lawful for the League of Nations to delegate its authority, control, or administration of any such people or territory to some single state or organized agency which it may designate and appoint as its agent or mandatory; but whenever or wherever possible or feasible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

III.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the League in a special Act or Charter which shall reserve to the League complete power of supervision and of intimate control, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to

COMMENT.

First paragraph:

Only verbal changes are suggested.

Second paragraph:

It is not perceived why the policy of the open door should be limited to the members of the League of Nations in respect of the territories in question, and a modification is suggested accordingly.

SUGGESTION.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the League of Nations in a special Act or Charter which shall reserve to the League of Nations complete power of supervision and of intimate control, and which shall also reserve to the people of any such territory or governmental unit the

Bullitt Exhibit No. 4—Continued.

the League for the redress or correction of any breach of the mandate by the mandatory State or agency or for the substitution of some other State or agency, as mandatory.

The mandatory State or agency shall in all cases be bound and required to maintain the policy of the open door, or equal opportunity for all the signatories to this Covenant, in respect of the use and development of the economic resources of such people or territory.

The mandatory State or agency shall in no case form or maintain any military or naval force in excess of definite standards laid down by the League itself for the purposes of internal police.

Third Paragraph:

Only verbal changes are suggested.

Supplementary paragraph.

There are no provisions as to the procedure by which the authority of the League of Nations over its mandatories, etc., is to be exercised by majority vote of the Body of Delegates upon recommendation by the Executive Council it is suggested in such cases that it may act by majority vote in order that some action may probably be taken.

right to appeal to the League of Nations for the redress or correction of any breach of the mandate by the mandatory State or agency or for the submission of some other State or agency, as mandatory.

The mandatory State or agency shall in all cases be bound and required to maintain the policy of the open door and equal opportunity in respect of the use and development of the economic resources of such people or territory.

The mandatory State or agency shall in no case form or maintain any military os naval force within such territory in excese of definite standards laid down by the League of Nations itself for the purposes of internal police.

Under this and the two preceding Articles any action or authority of the League of Nations will be exercised by majority vote of the Body of Delegates upon recommendation to that effect by the Executive Council. Any such recommendation of the Executive Council may, notwithstanding the provisions of original Article 2 be made by five or more votes.

IV.	COMMENT.	SUGGESTION.
No new State arising or created from the old Empires of Austria-Hungary, or Turkey shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time. As successor to the Empires, the League of Nations is empowered, directly and without right of delegation, to watch over the relations *inter se* of all new independent States arising or created our of the Empires, and shall assume and fulfil the duty of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.	*First Paragraph:* Aside from the original members of the League of Nations, it is difficult to see how any new state could arise from the Empire of Austria-Hungary, with the possible exception of German Austria. No reason is perceived how the language regarding the military and naval forces and armaments of new states should not be general, that is not limited to those arising from Austria-Hungary or Turkey; and a change to that effect is suggested. *Second Paragraph:* For a somewhat similar reason it is suggested that the second paragraph be omitted. Surely the League of Nations is not successor to the Empire of Austria-Hungary. It would perhaps be desirable if the League of Nations could watch over the regulations *inter se* of the Balkan States, but this is apparently not attempted, and it is difficult to see how such a result could be achieved.	No new State shall be recognized by the League of Nations or admitted into its membership except on condition that its military and naval forces and armament shall conform to standards prescribed by the League of Nations in respect of it from time to time.
V.	COMMENT.	SUGGESTION.
The Powers signatory or adherent to this Covenant agree that they will themselves seek to establish and maintain fair hours and human conditions of labor for all those within their several jurisdictions who are engaged in manual labor and that they will exert their influence in favor of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend.	This paragraph standing alone would be a great disappointment to Labor, as it is little more than a pious wish. Admittedly the position of the United States in respect of international agreements as to Labor is an extremely difficult one. This difficulty is greatly increased by the highly unfortunate decision of the Supreme Court in the Child Labor cases, a decision upon which patient comment would be difficult. Because of	The Contracting Powers agree that so far as their constitutional systems will permit they will establish a work day standard of not exceeding eight hours for all those employed in government work, so far as possible, and that they will establish a like maximum standard in all trades to which the same may properly be applicable, subject to the aforesaid constitutional limitation.

Bullitt Exhibit No. 4—Continued.

VI.

The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

this very decision any suggestions of the United States regarding agreements as to Labor will naturally be met with doubt as to their reality. The clauses suggested have been drawn simply as a basis for discussion.

COMMENT.

The purpose of this article is beneficent but it is submitted that general treatment is impossible. Doubtless equal religious and cultural privileges should be accorded in all cases, but it is impossible to suppose that all racial minorities can be entitled, for example, to have their languages used in official records. In the case of several small minorities in one in country this would be impracticable even locally.

While no change in the Article is suggested, the thought is that it should be followed by additional and more specific provisions varying according to the conditions not only in new States, but in some of the older ones, of which Bulgaria is an example.

The Contracting Powers further agree that so far as their constitutional systems will permit they will prohibit the employment of children under the age of fourteen years in any industrial or mercantile employment.

The Contracting Powers further agree that so far as their constitutional systems will permit they will prohibit night work by women in any industrial or mercantile employment.

SUGGESTION.

The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

FURTHER COMMENT.

Open Records of the League of Nations.—Freedom of the Seas and of the Air.

FURTHER SUGGESTIONS OF ADDITIONAL ARTICLES.

The archives and correspondence of the Executive Council and of the Body of Delegates shall be open at all times to every Contracting Power.

Any interference with a vessel on the high seas, or with aircraft proceeding over the high seas, which interference is not affimatively sanctioned by the law of nations, shall be deemed an impairment of political independence within the terms of original Article III.

It is suggested that any breach of the covenants in the first paragraph suggested for original Article III shall be determined in the same manner and have the same effect as is provided in the suggestions relating to Article VI.

Legislation in International Law.—ad referendum.

The Body of Delegates shall from time to time consider, and by majority vote recommend, to the respective Contracting Powers cor approval declarations of rules and priniples of the law of nations.

FURTHER COMMENT.

Four paragraphs for open diplomacy.

FURTHER SUGGESTIONS OF ADDITIONAL ARTICLES.

Every Treaty and every International Agreement to which a Contracting Power is a party, and which is in force at the date of the signature of this Agreement, and which has not heretofore been made public in its entirety, shall within six months after the date of signature of this Covenant be made public in its entirety, or shall otherwise be and be deemed abrogated.

Bullitt Exhibit No. 4—Continued.

Every treaty and every other international Covenant hereafter made, to which any Contracting Power shall be a party, shall be made public in its entirety within not more than thirty days after the same shall become binding, or shall otherwise be and be deemed abrogated.

The provisions of the two foregoing paragraphs shall not apply to a Treaty or other international Covenant made by a Contracting Power while engaged in war, in which case the treaty or other International Covenant shall be made public in its entirety within not more than thirty days after the conclusion of peace or shall otherwise be and be deemed abrogated.

Within the terms of the three foregoing paragraphs a Treaty or other International Covenant shall be deemed to have been made public in its entirety only when a true and complete copy thereof shall have been filed with the Secretariat of the League of Nations.

FURTHER COMMENT AND SUGGESTIONS.

One part of the American program is Equality of Trade Conditions.

The following Declaration in the form previously submitted to the Commission is suggested.

Provisions for an International Trade Commission are regarded as desirable, and perhaps even an an essential, part for a declaration of this character, but such provisions have not yet been drafted.

DECLARATION FOR EQUALITY OF TRADE CONDITIONS.

The Powers signatory to the Agreement for a League of Nations declare as a part of said Agreement:

1. For the purposes of this Declaration every dominion, colony, protectorate, dependency, or possession having now a tariff system in any measure distinct from that applicable to the country with which it is politically connected, shall be regarded as a State.

Note: A distinction between what may be called, "Economic units" and "Units of sovereignty" must be recognized.

2. While for every State there may be freely adopted and from time to time freely changed, a system of export and import prohibition and duties, port dues, traffic rates, inspection methods and fees, and

Bullitt Exhibit No. 4—Continued.

The general rule of Equality and of the Open Door.

other trade charges, and also laws and regulations embodying the same or relating thereto, any and every such system, law and regulation shall at any given time as to the rest of the world be fixed and single, and shall also at any given time as to the rest of the world be equal and without discrimination, difference, or preference, direct or indirect.

Equality as to vessels, etc., going farther than the most favored nation principle.

3. Every State shall accord to the vessels of other States as favorable treatment as respects tonnage dues, harbor and port charges, facilities for stationing, loading and unloading, and other similar and corresponding charges and facilities as it accords to vessels whose home ports are within its territory.

Equality as to cargoes, etc., going farther than the most favored nation principle.

4. Every State shall accord to goods exported therefrom in the vessels of other States, or imported thereinto in such vessels, as favorable treatment as respects export and import prohibitions and duties, inspection methods and charges, traffic rates, trade charges of every kind, in-

ternal taxes, and other similar or corresponding matters, as it accords to similar goods exported therefrom or imported thereinto in vessels whose home ports are within its territory.

This would affect such duties as the French "Surtax d'entrepot" and United States differential duties on imports via Canada.

5. Export and import duties and other trade charges shall be without discrimination or preference, direct or indirect, based upon the place of intermediate or original origin, or of intermediate or ultimate destination of vessel or of goods.

An anti-dumping clause.

6. No State shall grant direct of indirect bounties on exports.

The Coasting Trade.

7. Nothing in this declaration contained shall be deemed to limit or affect the rights or privileges of any Member Power relating to its coasting trade.

This limits the effect of Articles 2, 3, 4, and 5 to the future.

8. No existing national law or regulation, and no existing international agreement or arrangement shall be deemed to be affected by any of the provisions of Articles 2, 3, 4, and 5 of this Declaration.

9. While for the purposes of the Declaration the Dominion of Canada, Newfoundland, the Commonwealth of Australia, the Union of South Africa, and the Dominion of New Zea-

Bullitt Exhibit No. 4—Continued.

Preference within the British Empire.

land are each to be regarded as States under the provisions of Article 1, they may, notwithstanding the provisions of Article 2, make preferential arrangements, *inter se* and or with Great Britain.

Customs Unions in Europe.

10. Notwithstanding the provisions of Article 2, States whose territorial limits are wholly or partly within the continent of Europe may enter into agreements *inter se* in the nature of Customs Unions covering contiguous territory.

Customs Unions under the Monroe Doctrine.

11. Notwithstanding the provisions of Article 2, agreements in the nature of Customs Unions, covering territory within the American continents, may be entered into.

The State as a trader.

12. A State engaged in trade or commerce shall not in respect thereof have or be deemed to have any of the rights, privileges, immunities, duties, or obligations of sovereignty.

A prohibition of a limitation on independence through finance. See similar language in the

13. No part of the revenues of any State, whether in kind or in cash, shall be pledged or assigned to any

Anglo-Russian Convention of Aug. 31, 1907, regarding Thibet.

other State, its citizens or subjects.

14. In each and every State there shall be adequate protection of fair and legitimate international trade, and adequate protection against the use of unfair methods of competition in international trade. To this end the Member Powers agree to bind themselves by the provisions of the International Convention for the Protection of Industrial Property, with Final Protocol, signed at Washington, 2 June, 1911, which is hereby incorporated in and made an integral part of this Declaration.

The United States is a party to this Convention.

15. *The Member Powers agree to bind themselves by the provisions of the Convention for the Protection of Literary and Artistic Works, signed at Berlin, November 13, 1908, which is hereby incorporated in and made an integral part of this Declaration.*

This is not suggested as an American proposal but as a proposal likely to be made by Great Britain, the Power chiefly interested. Its adoption would be contrary to the policy of the United States expressed in the copyright Act of 1909, Vol. 35, Stats. at Large, page 1078, substantially requiring copyrighted books in English to be printed from type set within the United States.

Senator BRANDEGEE. Are those so indicated or separated as to show what suggested changes Mr. Auchincloss made and what suggestions Mr. Miller made?

Mr. BULLITT. Oh, no; they were prepared in conjunction. Mr. Miller and Mr. Auchincloss were law partners in New York, and they acted in close cooperation in everything in Paris, and I could not say, at all, which was Mr. Auchincloss's work and which was Mr. Miller's.

Senator BRANDEGEE. Mr. Hirst collaborated also, did he not?

Mr. BULLITT. Who?

Senator BRANDEGEE. Mr. Hirst.

Mr. BULLITT. I never heard the name.

The CHAIRMAN. He is an Englishman.

Senator BRANDEGEE. An English international law expert.

The CHAIRMAN. Yes.

Senator BRANDEGEE. Did you say you put in the Smuts plan also?

Mr. BULLITT. I have not put it in. I have it here.

Senator BRANDEGEE. All right.

Mr. BULLITT. The President then, after his discussions, I believe, with the leaders of the French and British Governments, took his original proposal and made certain changes in it. This is the original of that document, also. It was also presented to me by Col. House, and has the President's own changes in his own handwriting, in it. I am afraid it is rather dilapidated.

The CHAIRMAN. The reporter will be very careful of these papers. None of these papers are to be sent to the Printing Office, but copies of them sent.

(The document last referred to was marked "Bullitt Exhibit No. 5", and is here printed in full in the record, as follows:)

BULLITT EXHIBIT No. 5.

(Seal: Woodrow Wilson)

COVENANT.

PREAMBLE.

In order to secure *international* peace *and* security, and ~~orderly government~~ by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, *and in order to promote international cooperation*, the Powers signatory to this covenant and agreement jointly and severally adopt this constitution of the League of Nations.

ARTICLE I.

The action of the Signatory Powers under the terms of this ~~agreement~~ *covenant* shall be affected through the instrumentality of a Body of Delegates which shall consist of the ambassadors and ministers of the contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body of Delegates shall be held at the seat of government of H. and the Minister for Foreign Affairs of H. shall be the presiding officer of the Body.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S., in which case the Ambassador or Minister to H. of the country in which the meeting is held shall be the presiding officer pro tempore.

It shall be the privilege of any of the contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular diplomatic representative accredited to H.

ARTICLE II.

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this Covenant, or any matter likely to affect the peace of the world; but all actions of the Body of Delegates taken in the exercise of the functions and powers granted to them under the Covenant shall be ~~first~~ formulated and agreed upon by an Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers together with representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the Great Powers and the other of the representatives of the minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the Great Powers; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by ~~the Body of Delegates upon the recommendation of~~ the Executive Council, except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves, shall have the effect of recommendations to the several governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees, chosen from the Body of Delegates or consisting of specially qualified persons outside of that Body, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes. It shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the signatory powers and with any governments or agencies which may be acting as mandatories of the League of Nations in any part of the world.

ARTICLE III.

The Contracting Powers unite in guaranteeing to each other political independence and territorial integrity *as against external aggression;* but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the Delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples *and to the State from which the territory is separated or to which it is added;* and that territorial changes may in equity involve material compensation. The Contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of Political jurisdiction or boundary.

ARTICLE IV.

The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the ~~Delegates are~~ *Executive Council is* directed to formulate at once plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Governments signatory to this Covenant.

As the basis for such a reduction of armaments, all the Powers subscribing to the Treaty of Peace of which this Covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defence and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The ~~Body of Delegates~~ *Executive Council* shall also determine for the consideration and action of the several governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise or for private profit, and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

ARTICLES V.

The Contracting Powers jointly and severally agree that, should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council of the Body of Delegates or until there has been an award by the arbitrators or a decision by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the decision of the Executive Council.

The Powers signatory to this Covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject-matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute *from outside their own nationals*, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a tie vote among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the ~~Body of Delegates~~ *Executive Council*.

On the appeal of a party to the dispute the decision of the arbitrators may be set aside by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside, the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances.

The Council shall immediately accept the reference and give notice to the ~~other party or~~ parties, and shall make the necessary arrangements for a full hearing, investigation, and consideration. It shall ascertain *and as soon as possible make public* all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the Executive Council shall be addressed to the disputants, and shall not have the force of a binding verdict. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants.

Every award by arbitrators and every decision by the Executive Council upon a matter in dispute between States must be rendered within twelve months after formal reference.

ARTICLE VI.

Should any contracting Power break or disregard its covenants under Article V, it shall thereby ipso facto ~~become at war with~~ *be deemed to have committed an act of war against* all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a member of the League of Nations or not.

It shall be the privilege and duty of the Executive Council of the Body of Delegates in such a case to recommend what effective military or naval force the members of the League of Nations shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State shall, after the restoration of peace, be subject to ~~perpetual disarmament and to~~ the regulations with regard to a peace establishment provided for new States under the terms Supplementary Article IV.

ARTICLE VII.

If any power shall declare war or begin hostilities, or take any hostile step short of war, against another Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or shall declare war or begin hostilities, or take any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators chosen and empowered as herein provided, the Contracting Powers hereby ~~bind themselves~~ *engage* not only to cease all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers of that Power to commerce or intercourse with any part of the world and to use any force that may be necessary to accomplish that object.

ARTICLE VIII.

Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern to the League of Nations and to all the Powers signatory hereto, and those Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the nations signatory or adherent to this Covenant to draw the attention of the Body of Delegates *or of the Executive Council* to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The Delegates *and the Executive Council* shall meet in the interest of peace whenever war is rumored or threatened, and also whenever the Delegate of any Power shall inform the Delegates that a meeting and conference in the interest of peace is advisable.

The Delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

ARTICLE IX.

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power involved hereby binds itself to endeavor to obtain the submission of the dispute to judicial decision or to arbitration. If the other Power will not agree to submit the dispute to judicial decision or to arbitration, the Contracting Power shall bring the matter to the attention of the ~~Body of Delegates~~ *Executive Council*. The Delegates shall in such a case, in the name of the League of Nations, invite the Power not a party to this Covenant to become ad hoc a party and to submit its case to judicial decision or to arbitration, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or discussion shall be in all respects applicable to the dispute both in favor of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the ~~Delegates~~ *Executive Council* to become ad hoc a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

ARTICLE X.

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Powers ~~shall~~ *engage* thereupon *to* cease all commerce and communication with that Power and ~~shall~~ also *to* unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, *and to* employ~~ing~~ jointly any force that may be necessary to accomplish that object. The Contracting Powers ~~shall~~ also *undertake to* unite in coming to the assistance of the Contracting Power against which hostile action has been taken, ~~combining~~ *and to combine* their armed forces in its behalf.

ARTICLE XI.

In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Delegates *or the Executive Council*, who shall thereupon tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the states, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the League of Nations, that state shall ad hoc be deemed a Contracting Power. If no one of the states, parties to the dispute, shall so offer and agree, the Delegates shall, through the Executive Council, of their own motion take such action and make such recommendation to their governments as will prevent hostilities and result in the settlement of the dispute

ARTICLE XII.

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they ~~may~~ *shall* act favourably on the application, and their favourable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Delegates.

ARTICLE XIII.

The Contracting Powers severally agree that the Present Covenant and Convention is accepted as abrogating all treaty obligations inter se which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

SUPPLEMENTARY AGREEMENTS.

I.

In respect of the peoples and territories which formerly belonged to Austria-Hungary, and to Turkey, and in respect of the colonies formerly under the dominion of the German Empire, the League of Nations shall be regarded as the residuary trustee ~~with sovereign right of ultimate disposal of continued~~ *with the right of oversight or* administration in accordance with certain fundamental principles hereinafter set forth; and this reversion and control shall exclude all rights or privileges of annexation on the part of any Power.

These principles are, that there shall in no case be any annexation of any of these territories by any State either within the League or outside of it, and that in the future government of these peoples and territories the rule of self-determination or the consent of the governed to their form of government, shall be fairly and reasonably applied, and all policies of administration or economic development be based primarily upon the well considered interests of the people themselves.

II.

Any authority, control, or administration which may be necessary in respect of these peoples or territories other than their own self-determined and self-organized

autonomy shall be the exclusive function of and shall be vested in the League of Nations and exercised or undertaken by or on behalf of it.

It shall be lawful for the League of Nations to delegate its authority, control, or administration of any such people or territory to some single State or organized agency which it may designate and appoint as its agent or mandatory; but whenever or wherever possible or feasible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

III.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the ~~League~~ *Executive Council* in a special Act or Charter which shall reserve to the League complete power of supervision ~~and of intimate control~~, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League for the redress or correction of any breach of the mandate by the mandatory State or agency or for the substitution of some other State or agency, as mandatory.

The mandatory State or agency shall in all cases be bound and required to maintain the policy of the open door, or equal opportunity for all the signatories to this Covenant, in respect of the use and development of the economic resources of such people or territory.

The mandatory State or agency shall in no case form or maintain any military or naval force, *native or other*, in excess of definite standards laid down by the League itself for the purpose of internal police.

Any expense the mandatory State or agency may be put to in the exercise of its functions under the mandate, so far as they cannot be borne by the resources of the people or territory under its charge upon a fair basis of assessment and charge, shall be borne by the several signatory Powers, their several contributions being assessed and determined by the Executive Council in proportion to their several national budgets, unless the mandatory State or agency is willing itself to bear the excess costs; and in all cases the expenditures of the mandatory Power or agency in the exercise of the mandate shall be subject to the audit and authorization of the League.

The object of all such tutelary oversight and administration on the part of the League of Nations shall be to build up in as short a time as possible out of the people or territory under its guardianship a political unit which can take charge of its own affairs, determine its own connections, and choose its own policies. The League may at any time release such a people or territory from tutelage and consent to its being set up as an independent unit. It shall also be the right and privilege of any such people or territory to petition the League to take such action, and upon such petition being made it shall be the duty of the League to take the petition under full and friendly consideration with a view to determining the best interests of the people or territory in question in view of all the circumstances of their situation and development.

IV.

No new State ~~arising or created from the old Empire of Austria-Hungary, or Turkey~~ shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

~~As successor to the Empire,~~ The League of Nations is empowered, directly and without right of delegation, to watch over the relations *inter se* of all new independent States arising or created, ~~out of the Empire,~~ and shall assume and fulfill the duty of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

V.

The Powers signatory or adherent to this Covenant agree that they will themselves seek to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions who are engaged in manual labour and that they will exert their influence in favour of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend.

VI.

The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States, *and the*

Executive Council shall exact of all States seeking admission to the League of Nations the promise, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

VII.

Recognizing religious persecution and intolerance as fertile sources of war, the Powers signatory hereto agree, and the League of Nations shall exact from all new States and all States seeking admission to it the promise, that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

VIII.

The rights of belligerents on the high seas outside territorial waters having been defined by international convention, it is hereby agreed and declared as a fundamental covenant that no Power or combination of Powers shall have a right to overstep in any particular the clear meaning of the definitions thus established; but that it shall be the right of the League of Nations from time to time and on special occasion to close the seas in whole or in part against a particular Power or particular Powers for the purpose of enforcing the international covenants here entered into.

IX.

It is hereby covenanted and agreed by the Powers signatory hereto that no treaty entered into by them, either singly or jointly, shall be regarded as valid, binding, or operative until it shall have been published and made known to all the other signatories.

X.

It is further covenanted and agreed by the signatory Powers that in their fiscal and economic regulations and policy no discrimination shall be made between one nation and another among those with which they have commercial and financial dealings.

Mr. BULLITT. I then have the first printing of the President's second proposal, which was simply a printing of the changes as indicated by the President.

Senator KNOX. That does not differ in any respect?

Mr. BULLITT. It does not, sir.

Senator KNOX. So that it is not necessary to put that in the record?

Mr. BULLITT. If it is agreeable to the committee I shall be greatly obliged if I could keep the original of this, as the original is somewhat dilapidated.

Senator KNOX. If they are just the same, of course.

The CHAIRMAN. Have they got all the changes?

Mr. BULLITT. I believe they have, but I shall leave it entirely in the hands of the committee, of course.

Senator KNOX. Senator Brandegee thinks it would be better for us to retain possession of it. We will be very careful of it, and see that you get it back.

Mr. BULLITT. Thank you, sir.

(The document referred to was marked "Bullitt Exhibit No. 6" and is here printed in full in the record, as follows:

BULLITT EXHIBIT NO. 6.

COVENANT.

PREAMBLE.

In order to secure international peace and security by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in

the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this covenant and agreement jointly and severally adopt this constitution of the League of Nations.

ARTICLE I.

The action of the Signatory Powers under the terms of this covenant shall be effected through the instrumentality of a Body of Delegates which shall consist of the ambassadors and ministers of the contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body of Delegates shall be held at the seat of government of H. and the Minister for Foreign Affairs of H. shall be the presiding officer of the Body.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S., in which case the Ambassador or Minister to H. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

It shall be the privilege of any of the contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular diplomatic representative accredited to H.

ARTICLE II.

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this covenant, or any matter likely to affect the peace of the world; but all actions of the Body of Delegates taken in the exercises of the functions and powers granted to them under this Covenant shall be formulated and agreed upon by an Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers, together with representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the Great Powers and the other of the representatives of the minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the Great Powers; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the Executive Council, except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves, shall have the effect of recommendations to the several governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees, chosen from the Body of Delegates or consisting of specially qualified persons outside of that Body, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes. It shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the signatory powers and with any governments or agencies which may be acting as mandatories of the League of Nations in any part of the world.

ARTICLE III.

The Contracting Powers unite in guaranteeing to each other political independence and territorial integrity as against external aggression; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the I elegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples and to the States from which the territory is separated or to which it is added; and that territorial changes may in equity involve material compensation. The Contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of Political jurisdiction or boundary.

ARTICLE IV.

The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council is directed to formulate at once plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Governments signatory to this Covenant.

As the basis for such a reduction of armaments, all the Powers subscribing to the Treaty of Peace of which this Covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defense and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The Executive Council shall also determine for the consideration and action of the several governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise or for private profit, and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

ARTICLE V.

The Contracting Powers jointly and severally agree that should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council of the Body of Delegates or until there has been an award by the arbitrators or a decision by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the decision of the Executive Council.

The Powers signatory to this Covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute, from outside their own nations, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a tie vote among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Executive Council.

On the appeal of a party to the dispute the decision of the arbitrators may be set aside by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside, the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take

the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and give notice to the parties, and shall make the necessary arrangements for a full hearing, investigation, and consideration. It shall ascertain and as soon as possible make public all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the Executive Council shall be addressed to the disputants, and shall not have the force of a binding verdict. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants.

Every award by arbitrators and every decision by the Executive Council upon a matter in dispute between States must be rendered within twelve months after formal reference.

ARTICLE VI.

Should any contracting power break or disregard its covenants under Article V, it shall thereby *ipso facto* be deemed to have committed an act of war against all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a member of the League of Nations or not.

It shall be the privilege and duty of the executive Council of the Body of Delegates in such a case to recommend what effective military or naval force the members of the League of Nations shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State shall, after the restoration of peace, be subject to the regulations with regard to a peace establishment provided for new States under the terms Supplementary Article IV.

ARTICLE VII.

If any Power shall declare war or begin hostilities, or take any hostile step short of war, against another Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or shall declare war or begin hostilities, or take any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators chosen and empowered as herein provided, the Contracting Powers hereby engage not only to cease all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers of that Power to commerce or intercourse with any part of the world and to use any force that may be necessary to accomplish that object.

ARTICLE VIII.

Any war or threat of war, whether immediately effecting any of the Contracting Powers or not, is hereby declared a matter of concern to the League of Nations and to all the Powers signatory hereto, and those Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the nations signatory or adherent to this Covenant to draw the attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The Delegates and the Executive Council shall meet in the interest of peace whether war is rumored or threatened, and also whether the Delegates of any Power shall inform the Delegates that a meeting and conference in the interest of peace is advisable.

The Delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

ARTICLE IX.

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power involved hereby binds itself to endeavor to obtain the submission of the dispute to judicial decision or to arbitration. If the other Power will not agree to submit the dispute to judicial decision or to arbitration, the Contracting Power shall bring the matter to the attention of the Executive Council. The Delegates shall in such a case, in the name of the League of Nations, invite the Power not a party to this Covenant to become *ad hoc* a party and to submit its case to judicial decision or to arbitration, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or discussion shall be in all respects applicable to the dispute both in favor of and against such Power as if it were to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Executive Council to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

ARTICLE X.

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitration or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Powers engage thereupon to cease all commerce and communication with that Power and also to unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, and to employ jointly any force that may be necessary to accomplish that object. The Contracting Powers also undertake to unite in coming to the assistance of the Contracting Power against which hostile action has been taken, and to combine their armed forces in its behalf.

ARTICLE XI.

In case of a dispute between atates not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Delegates or the Executive Council, who shall thereupon tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the states, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the League of Nations, that state shall *ad hoc* be deemed a Contracting Power. If no one of the states, parties to the dispute, shall so offer and agree, the Delegates shall, through the Executive Council, of their own motion take such action and make such recommendation to their governments as will prevent hostilities and result in the settlement of the dispute.

ARTICLE XII.

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they shall act favorably on the application, and their favorable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Delegates.

ARTICLE XIII.

The Contracting Powers severally agree that the present Covenant and Convention is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

SUPPLEMENTARY AGREEMENTS.

I.

In respect of the peoples and territories which formerly belonged to Austria-Hungary, and to Turkey, and in respect of the colonies formerly under the dominion of the German Empire, the League of Nations shall be regarded as the residuary trustee with the right of oversight or administration in accordance with certain fundamental principles hereinafter set forth; and this reversion and control shall exclude all rights or privileges of annexation on the part of any Power.

These principles are, that there shall in no case be any annexation of any of these territories by any State either within the League or outside of it, and that in the future government of these peoples and territories the rule of self-determination, or the consent of the governed to their form of government, shall be fairly and reasonably applied, and all policies of administration or economic development be based primarily upon the well-considered interests of the people themselves.

II.

Any authority, control, or administration which may be necessary in respect of these peoples or territories other than their own self-determined and self-organized autonomy shall be the exclusive functions of and shall be vested in the League of Nations and exercised or undertaken by or on behalf of it.

It shall be lawful for the League of Nations to delegate its authority, control, or administration of any such people or territory to some single State or organized agency which it may designate and appoint as its agent or mandatory; but whenever or wherever possible or feasible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

III.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the Executive Council in a special Act or Charter which shall reserve to the League complete power of supervision, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League for the redress or correction of any breach of the mandate by the mandatory State or agency or for the substitution of some other State or agency, as mandatory.

The mandatory State or agency shall in all cases be bound and required to maintain the policy of the open door, or equal opportunity for all the signatories to this Covenant, in respect of the use and development of the economic resources of such people or territory.

The mandatory State or agency shall in no case form or maintain any military or naval force, native or other, in excess of definite standards laid down by the League itself for the purpposes of internal police.

Any expense the mandatory State or agency may be put to in the exercise of its functions under the mandate, so far as they cannot be borne by the resources of the people or territory under its charge upon a fair basis of assessment and charge, shall be borne by the several signatory Powers, their several contributions being assessed and determined by the Executive Council in porportion to their several national budgets, unless the mandatory State or agency is willing itself to bear the excess costs; and in all cases the expenditures of the mandatory Power or agency in the exercise of the mandate shall be subject to the audit and authorization of the League.

The object of all such tutelary oversight and administration on the part of the League of Nations shall be to build up in as short a time as possible out of the people or territory under its guardianship a political unit which can take charge of its own own affairs, determine its own connections, and choose its own policies. The League may at any time release such a people or territory from tutelage and consent to its being set up as an independent unit. It shall also be the right and privilege of any people or territory to petition the League to take such action, and upon such petition being made it shall be the duty of the League to take the petition under full and friendly consideration with a view to determining the best interests of the people or territory in question in view of all the circumstances of their situation and development.

IV.

No new State shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

The League of Nations is empowered, directly and without right of delegation, to watch over the relations *inter se* of all new independent States arising or created and shall assume and fulfil the duty of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

V.

The Powers signatory or adherent to this Covenant agree that they will themselves seek to establish and maintain fair hours and humane conditions of labor for all those within their several jurisdictions who are engaged in manual labor and that they will exert their influence in favor of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend.

VI.

The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States and the Executive Council shall exact of all States seeking admission to the League of Nations the promise, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

VII.

Recognizing religious persecution and intolerance as fertile sources of war, the Powers signatory hereto agree, and the League of Nations shall exact from all new States and all States seeking admission to it the promise, that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

VIII.

The rights of belligerents on the high seas outside territorial waters having been defined by international convention, it is hereby agreed and declared as a fundamental covenant that no Power or combination of Powers shall have a right to overstep in any particular the clear meaning of the definitions thus established; but that it shall be the right of the League of Nations from time to time and on special occasion to close the seas in whole or in part against a particular Power or particular Powers for the purpose of enforcing the international covenants here entered into.

IX.

It is hereby covenanted and agreed by the Powers signatory hereto that no treaty entered into by them, either singly or jointly, shall be regarded as valid, binding, or operative until it shall have been published and made known to all the other signatories.

X.

It is further covenanted and agreed by the signatory Powers that in their fiscal and economic regulations and policy no discrimination shall be made between one nation and another among those with which they have commercial and financial dealings.

Senator KNOX. These various drafts, as I understand, after discussion, were rejected?

Mr. BULLITT. When I left for Berne this second proposal of the President was under discussion. When I returned a week later it had been entirely discarded. Why it was discarded I do not know. I was not present during those discussions, and I was not in touch with the matter. The President's draft was entirely discarded and the following draft was, I believe, the basis of discussion when I returned from Berne.

(The document last above referred to was marked by the stenographer "Bullitt Exhibit No. 7.")

BULLITT EXHIBIT No. 7.

COVENANT.

PREAMBLE.

In order to secure international peace and security by the acceptance of obligations not to resort to the use of armed force, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

ARTICLE I.

The action of the High Contracting Parties under the terms of this Covenant shall be effected through the instrumentality of meetings of Delegates representing the H. C. P., of meetings at more frequent intervals of an Executive Council representing the States more immediately concerned in the matters under discussion, and of a permanent international Secretariat to be established at the capital of the League.

ARTICLE II.

Meetings of the Body of Delegates shall be held from time to time as occasion may require for the purpose of dealing with matters within the sphere of the League.

Meetings of the Body of Delegates shall be held at the capital of the League or at such other place as may be found convenient and shall consist of not more than two representatives of each of the H. C. P.

An ambassador or minister of one of the H. C. P. shall be competent to act as its representative.

All matters of procedure at meetings of the Body of Delegates, including the appointment of committees to investigate particular matters, shall be regulated by the Body of Delegates and may be decided by a majority of those present at the meeting.

ARTICLE III.

The representatives of the States members of the League directly affected by matters within the sphere of action of the League will meet as an Executive Council from time to time as occasion may require.

The United States of America, Great Britain, France, Italy and Japan shall be deemed to be directly affected by all matters within the sphere of action of the League. Invitations will be sent to any Power whose interests are directly affected, and no decision taken at any meeting will be binding on a State which was not invited to be represented at the meeting.

Such meetings will be held at whatever place may be decided on, or failing any such decision at the capital of the League, and any matter affecting the interests of the League or relating to matters within its sphere of action or likely to affect the peace of the world may be dealt with.

ARTICLE IV.

The permanent Secretariat of the League shall be established at , which shall constitute the capital of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Chancellor of the League by whom they shall be appointed.

The Chancellor shall act as Secretary at all meetings of the Body of Delegates or of the Executive Council.

The expenses of the Secretariat shall be borne by the State members of the League in accordance with the distribution among members of the Postal Union of the expenses of the International Postal Union.

ARTICLE V.

Representatives of the H. C. P. and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials or by representatives attending its meetings shall enjoy the benefits of extraterritoriality.

ARTICLE VI.

Admission to the League of States who are not signatories of this Covenant requires the assent of not less than two-thirds of the Body of Delegates.

No State shall be admitted to the League except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

ARTICLE VII.

The H. C. P. undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League.

ARTICLE VIII.

The H. C. P. recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council shall formulate plans for effecting such reduction. It shall also inquire into the feasibility of abolishing compulsory military service and the substitution therefor of forces enrolled upon a voluntary basis and into the military and naval equipment which it is reasonable to maintain.

The H. C. P. further agree that there shall be full and frank publicity as to all national armaments and military or naval programmes.

ARTICLE IX.

Any war or threat of war, whether immediately affecting any of the H. C. P. or not, is hereby declared a matter of concern to the League, and the H. C. P. reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the H. C. P. to draw the attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE X.

The H. C. P. agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to armed force as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

ARTICLE XI.

The H. C. P. agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration and will carry out in full good faith any award or decision that may be rendered.

ARTICLE XII.

The Executive Council will formulate plans for the establishment of a Permanent Court of International Justice and this Court will be competent to hear and determine any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing Article.

ARTICLE XIII.

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the H. C. P. agree that they will refer the matter to the Executive Council; either party to the dispute may give notice to the Chancellor of the existence of the dispute, and the Chancellor will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Chancellor statements of their case with all the relevant facts and papers.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendations which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council, other than the parties to the dispute, the H. C. P. agree that none of them will go to war with any party which complies with its recommendations. If no such unanimous report can be made, it shall be the duty of the majority to issue a statement indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this Article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute. In any case referred to the Body of Delegates all the provisions of this Article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

ARTICLE XIV.

Should any of the H. C. P. be found by the League to have broken or disregarded its covenants under Article X, it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which shall immediately subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such a case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The H. C. P. agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the H. C. P. who are co-operating to protect the covenants of the League.

ARTICLE XV.

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the H. C. P. agree that the State or States not members of the League shall be invited to become *ad hoc* members of the League, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a Power so invited refusing to become *ad hoc* a member of the League, and taking any action against a State member of the League which in the case of a State member of the League would constitute a breach of Article X, the provisions of Article XIV shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to become *ad hoc* members of the League, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

ARTICLE XVI.

The H. C. P. entrust to the League the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

ARTICLE XVII.

The H. C. P. agree that in respect of territories which formerly belonged to the German Empire or to Turkey and which are inhabited by peoples unable at present to secure for themselves the benefits of a stable administration, the well being of

these peoples constitutes a sacred trust for civilization and imposes upon the States members of the League the obligation to render help and guidance in the development of the administration. They recognize that all polices of administration or economic development should be based primarily upon the well considered interests of the peoples themselves, upon the maintenance of the policy of the open door and of equal opportunity for all the H. C. P. in respect of the use and development of the economic resources of the territory. No military or naval forces shall be formed among the inhabitants of the territories in excess of those required for purposes of defense and of internal police.

ARTICLE XVIII.

The H. C. P. will work to establish and maintain fair hours and humane conditions of labor for all those within their several jurisdictions and they will exert their influence in favor of the adoption and maintenance of a similar policy and light safeguards wherever their industrial and commercial relations extend. Also they will appoint Commissions to study conditions of industry and labor in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions.

ARTICLE XIX.

The H. C. P. agree that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

ARTICLE XX.

The H. C. P. will agree upon provisions intended to secure and maintain freedom of transit and just treatment for the commerce of all States members of the League.

ARTICLE XXI.

The H. C. P. agree that any treaty or International angagement entered into between States members of the League shall be forthwith registered with the Chancellor and as soon as possible published by him.

ARTICLE XXII.

The H. C. P. severally agree that the present Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this covenant, have undertaken any obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

The CHAIRMAN. Whose draft was that?

Mr. BULLITT. I understood that had been prepared by the British law experts and Mr. David Hunter Miller——

The CHAIRMAN. What we have known as the composite draft.

Mr. BULLITT (continuing). Largely based on Lord Robert Cecil's recommendations.

I am afraid that I know but little more in regard to the league of nations—there were minutes made of the discussions, but I have no minutes of those discussions, and all I know further is in regard to the discussions in regard to the suggestion to have an assembly of representatives included in the mechanism of the league; that is, of representatives to be chosen so as to represent the legislative assemblies of the various constituent States in an attempt to produce a somewhat popular assembly in the central organ of the league, which was beginning to be regarded by most persons in Paris as a diplomatic

expedient, which would have little or no effect and no hold on the popular imagination.

Senator KNOX. That was a suggestion, then, to popularize the project?

Mr. BULLITT. I am not sure of your meaning, sir.

Senator KNOX. I mean, to make it more popular?

Mr. BULLITT. To make it more democratic.

Senator KNOX. More democratic, and to make it appeal more to the people?

Mr. BULLITT. Yes; and get the people of Europe to look more favorably toward it.

Senator KNOX. Yes. Do you happen to know the attitude which the President took in regard to this suggestion to have an assembly in which should be represented the representative bodies of the various countries?

Mr. BULLITT. The President expressed himself as heartily in sympathy with the idea, but as unable to believe it practical; and Gen. Smuts, I recall, in the meeting of the committee urged it very strongly. Col. House approved of it. Lord Robert Cecil had proposed something of the sort in his original proposition, but was apathetic. The President was finally opposed to it. Later the matter was brought up again, when Lord Robert Cecil, Gen. Smuts, and Col. House all favored it—all favored the inclusion of a representative body—when the President opposed it, and by his opposition, of course, defeated it.

Senator KNOX. Did that feature appear in any of these drafts at all?

Mr. BULLITT. It did not. It was brought up, but there was merely discussion of it. There was a large body of opinion that if the league was to be a thing which might be able to cope with international war and create international understanding and cooperation, it must have some more popular basis of representation. Of course, at that time still the proposal for representation in the league was the original proposal of the President, that representation should be by the ambassadors or ministers of the powers composing the league, accredited to the capital where the league was to have its seat.

Senator KNOX. In other words, the assembly, the council, would be made up of the diplomatic representatives of the various countries.

Mr. BULLITT. Yes; that was the President's original proposal, and it was only rejected at the last moment before the league was finally presented in open session. You will recall, I think, it was February 13, that the President read the draft of the league in open session first, and on February 9 the provision was still in the draft that representation should be by the ambassadors or ministers of the high contracting powers, parties to the league. Col. House had asked me to prepare an amendment to this article and I simply sent in this memorandum, which is of no particular interest. It reads as follows [reading]:

BULLITT EXHIBIT No. 8.

FEBRUARY 9, 1919.

Memorandum for Col. House:

Subject: Proposed amendment to Article 2 of the league of nations covenant.

MY DEAR COL. HOUSE: In accordance with your request of this afternoon, I respectfully submit the following proposal for amendment:

ARTICLE 2.

Omit the words "The ambassadors or ministers of the high contracting parties at — are".

This clause then would read:

"Meetings of the body of delegates shall be held at the seat of the league or at such other place as may be found convenient, and shall consist of representatives specially appointed for this purpose."

Very respectfully, yours,

———— ————.

Senator KNOX. Up to that time all of the projects had contemplated the different countries being represented by their diplomatic agents?

Mr. BULLITT. The President had insisted on it repeatedly. The British had been very much opposed to it, and the reason for my discussing the matter with Col. House was that I had in the course of trying to keep in touch with what was going on there, and receiving these reports from the different sections of the conference, found that the feeling against this was very, very great, and had called it, of course, to the attention of Col. House.

Senator BRANDEGEE. I do not quite understand. Does the phrase "body of delegates" as employed in that proposition which you made refer to what is known in the pending treaty as "the assembly"?

Mr. BULLITT. Yes, sir.

Senator BRANDEGEE. That was what is now known as the council, what I understand is now called the council, referred to as in the draft?

Mr. BULLITT. I can tell you, but I have not it in my mind.

Senator BRANDEGEE. Never mind about it.

Senator KNOX. The President was opposed to having the representative bodies of the different countries represented in the league; he thought it impracticable? Is that correct?

Mr. BULLITT. I shall attempt to make my meaning a little clearer. The idea was to have representation from the various countries to represent the various political parties in the States which made up the league, in order that there might be a popular representation.

Senator KNOX. You mean representation of the congresses of the nations in the league?

Mr. BULLITT. Yes.

Senator KNOX. That is the way I understand it.

Mr. BULLITT. Yes.

Senator KNOX. And Clemenceau and Lloyd-George—what was their opinion?

Mr. BULLITT. Clemenceau—I don't know what his position was on that subject.

Senator KNOX. But you know Col. House's position was in favor of this?

Mr. BULLITT. Col. House was in favor of it. Lord Robert Cecil and Gen. Smuts were in favor of it. They were the members of the league of nations commission from England and the United States.

Senator KNOX. The President seems to have lost out, then, on the proposition that the countries should be represented in the league of nations by their diplomatic officers?

The CHAIRMAN. He did not say that, did he?

Senator KNOX. Yes; he did.

In your judgment, you having been in daily touch with these negotiations and being in the confidence of Col. House, and it being your duty to gather up all of the information that it was possible to gather for dissemination among the American members of the commission, what do you regard as the President's greatest contribution to this league covenant?

Mr. BULLITT. So far as I know, in the final form of the league the only proposal of the President which remains more or less intact is article 10.

Senator KNOX. Do you know what the attitude of the representatives of the other Governments was toward article 10?

Mr. BULLITT. I do not, sir.

Senator KNOX. Could you give us some idea as to how the general work of the commission was done by the American representatives, and who were the active agents in conducting this work? For instance, begin with the President. Did the President have a secretary and body of men about him working for him personally in connection with his labors, or was it handed over to somebody else; and if so, to whom?

Mr. BULLITT. The President had no assistants or secretaries of his own. He had his own two confidential stenographers, Mr. Close and Mr. Swem. Mr. Close was generally called "confidential secretary." The President, of course, conducted all the negotiations himself, all the actual—practically all the actual—negotiations. The usual course of the preparation of a point of view was for the President to refer the matter to Col. House, who had built up a considerable secretariat, in the Crillon; and Col. House in turn would turn the matter over to his secretariat, the heads of which were Mr. Gordon Auchincloss and Mr. David Hunter Miller. Mr. David Hunter Miller had practically the revising of every paper in the conference, as an adviser on international law.

Senator KNOX. Is it not a fact that Auchincloss and Miller were the members the most active, and covering a wider sphere in relation to what was going on over there than anybody else?

Mr. BULLITT. I should distinctly say so, except, of course, Col. House and the President.

Senator KNOX. How many people were there connected with the American mission?

Mr. BULLITT. I am unable to give you the exact figures.

Senator KNOX. I do not care about that.

Mr. BULLITT. I think it was 1,300. It was something like that.

Senator KNOX. One thousand three hundred?

Mr. BULLITT. Yes; something like that.

Senator KNOX. What were they doing principally?

Mr. BULLITT. There were a large number of experts on various problems—territorial problems; economic problems. There were large numbers of, I believe they were called, liaison officers, who were supposed to keep in touch with various other delegations, although they later were cut down in number. In the main, the delegation was functioning as well as it could, attempting to maintain as wise a point of view as possible on all questions, but it was rather functioning in its own sphere.

Senator KNOX. It was pretty busy trying to appear to keep busy, was it not?

Mr. BULLITT. No; I should not say that. It was very busy. All the peoples who had troubles in the world brought them to the experts of the American delegation—hundreds of them.

Senator KNOX. Was there not some complaint among the American delegates as to the manner in which this was being conducted for America?

Mr. BULLITT. I do not quite understand the question. Do you mean formal complaint, or——

Senator KNOX. No; I mean was there not a feeling of dissatisfaction with the way the American end of the business was being handled by the representatives there.

Mr. BULLITT. There was, of course, the feeling that there was very, very little contact between the top of the organization and the experts, and so on, at the bottom. There was naturally a feeling of that sort. I am not in a position really to say a great deal about this, because, as I said before, it was more or less my business to try and pass the stuff up.

Senator KNOX. What was your mission to Berne? You say you left Paris in February to go to Berne?

Mr. BULLITT. I was sent down to observe and report on the international labor and socialist conference which was taking place in Berne.

Senator KNOX. What was your mission to Russia, and when did you go?

Mr. BULLITT. I was ordered to go to Russia on the 18th of February. I received the following order from Secretary Lansing [reading]:

BULLITT EXHIBIT No 9.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
18 February, 1919.

Mr. WILLIAM C. BULLITT,
American Commission to Negotiate Peace.

SIR: You are hereby directed to proceed to Russia for the purpose of studying conditions, political and economic, therein, for the benefit of the American commissioners plenipotentiary to negotiate peace, and all American diplomatic and consular officials are hereby directed to extend to you the proper courtesies and facilities to enable you to fulfill the duties of your mission.

I am, sir, your obedient servant,

[SEAL.] ROBERT LANSING,
Secretary of State of the United States of America.

Senator KNOX. What is the date of that?

Mr. BULLITT. February 18, 1919. I also received at the same time from Mr. Joseph C. Grew, the secretary of the American commission, the following [reading]:

BULLITT EXHIBIT No. 10.

AMERICAN COMMISSION TO NEGOTIATE PEACE,
February 18, 1919.

To whom it may concern:

I hereby certify that Mr. William C. Bullitt has been authorized by the American commissioners plenipotentiary to negotiate peace to proceed to Russia, for the purpose of studying conditions, political and economic, therein, for the benefit of the commission, and I bespeak for him the proper courtesies and facilities in enabling him to fulfill the duties of his mission.

[SEAL.] J. C. GREW,
Secretary of the American Commission to Negotiate Peace.

Senator KNOX. You say you started in February. What time in February?

Mr. BULLITT. I left on the 22d day of February.

Senator KNOX. Did you know at that time, or have you ascertained since, whether a secret mission had or not been dispatched from Paris, that is, by the President himself; a man by the name of Buckler, who went to Russia a few days before you did?

Mr. BULLITT. Mr. W. H. Buckler, Mr. Henry White's half brother. He was an attaché of the American embassy in London. He was ordered from there to go, about the 1st of January, to Stockholm, to confer with Litvinov, who had been the ambassador of the soviet government to London—the British had allowed him to stay there without actually recognizing his official status, and had dealt with him.

Mr. Buckler there conferred with Litvinov, who made various propositions and representations to him which Mr. Buckler at once telegraphed back to Paris, and which were considered so important by the President that the President read them in extenso to the council of ten on the morning of January 21. I regret that I have no actual copy of those proposals by Litvinov, or of Buckler's telegrams. At that time there was a discussion taking place in regard to Russia which had extended over a couple of weeks, a discussion of the utmost interest, in the council of ten. I happen to have the minutes of the council for January 16, when this Russian question was taken up, which I shall be glad to read, if the Senators should be interested, and also the minutes of the council of ten on January 21, at which meeting the Prinkipos proposal was decided upon. The Buckler meeting with Litvinov was what eventually swung the meeting in favor of Prinkipos, the suggestion for which had been made by Mr. Lloyd-George. No; that is slightly incorrect. Mr. Lloyd-George had suggested that representatives of the various Russian governments and factions should be brought to Paris.

(The minutes above referred to were marked by the stenographer "Bullitt Exhibit No. 11," and are printed in the record in full, as follows:)

BULLITT EXHIBIT No. 11.

NOTES ON CONVERSATIONS HELD IN THE OFFICE OF M. PICHON AT THE QUAI D'ORSAY, ON JANUARY 16, 1919—PRELIMINARY DISCUSSION REGARDING THE SITUATION IN RUSSIA.

Mr. Lloyd George commenced his statement setting forth the information in the possession of the British Government regarding the Russian situation, by referring to the matter which had been exposed recently in L'Humanite. He stated that he wished to point out that there had been a serious misconception on the part of the French Government as to the character of the proposal of the British Government. The British proposal did not contemplate in any sense whatever, a recognition of the Bolsheviki Government, nor a suggestion that Bolshevik delegates be invited to attend the Conference. The British proposal was to invite all of the different governments now at war within what used to be the Russian Empire, to a truce of God, to stop reprisals and outrages and to send men here to give, so to speak, an account of themselves. The Great Powers would then try to find a way to bring some order out of chaos. These men were not to be delegates to the Peace Conference, and he agreed with the French Government entirely that they should not be made members of the Conference.

Mr. Lloyd George then proceeded to set forth briefly the reasons which had led the British Government to make this proposal. They were as follows:

Firstly, the real facts are not known;

Secondly, it is impossible to get the facts, the only way is to adjudicate the question; and

Thirdly, conditions in Russia are very bad; there is general mis-government and starvation. It is not known who is obtaining the upper hand, but the hope that the Bolshevik Government would collapse had not been realized. In fact, there is one report that the Bolsheviki are stronger than ever, that their internal position is strong, and that their hold on the people is stronger. Take, for instance, the case of the Ukraine. Some adventurer raises a few men and overthrows the Government. The Government is incapable of overthrowing him. It is also reported that the peasants are becoming Bolsheviki. It is hardly the business of the Great Powers to intervene either in lending financial support to one side or the other, or in sending munitions to either side.

Mr. Lloyd George stated that there seemed to be three possible policies:

1. Military intervention. It is true there the Bolsheviki movement is as dangerous to civilization as German militarism, but as to putting it down by the sword, is there anyone who proposes it? It would mean holding a certain number of vast provinces in Russia. The Germans with one million men on their Eastern Front only held the fringe of this territory. If he now proposed to send a thousand British troops to Russia for that purpose, the armies would mutiny. The same applies to U. S. troops in Siberia; also to Canadians and French as well. The mere idea of crushing Bolshevism by a military force is pure madness. Even admitting that it is done, who is to occupy Russia? No one can conceive or understand to bring about order by force.

2. A cordon. The second suggestion is to besiege Bolshevik Russia. Mr. Lloyd George wondered if those present realized what this would mean. From the information furnished him Bolshevik Russia has no corn, but within this territory there are 150,000,000 men, women, and children. There is now starvation in Petrograd and Moscow. This is not an health cordon, it is a death cordon. Moreover, as a matter of fact, the people who would die are just the people that the Allies desire to protect. It would not result in the starvation of the Bolsheviki; it would simply mean the death of our friends. The cordon policy is a policy which, as humane people, those present could not consider.

Mr. Lloyd George asked who was there to overthrow the Bolsheviki? He had been told there were three men, Denekin, Kolchak and Knox. In considering the chances of these people to overthrow the Bolsheviki, he pointed out that he had received information that the Czecho-Slovaks now refused to fight; that the Russian Army was not to be trusted, and that while it was true that a Bolshevik Army had recently gone over to Kolchak it was never certain that just the reverse of this would not take place. If the Allies counted on any of these men, he believed they were building on quick-sand. He had heard a lot of talk about Denekin, but when he looked on the map he found that Denekin was occupying a little backyard near the Black Sea. Then he had been told that Denekin had recognized Kolchak, but when he looked on the map there was a great solid block of territory between Denekin and Kolchak. Moreover, from information received it would appear that Kolchak had been collecting members of the old regime around him, and would seem to be at heart a monarchist. It appeared that the Czecho-Slovaks were finding this out. The sympathies of the Czecho-Slovaks are very democratic, and they are not at all prepared to fight for the restoration of the old conditions in Russia.

Mr. Lloyd George stated that he was informed that at the present time two-thirds of Bolshevik Russia was starving.

Institutions of Bolsheviki are institutions of old Czarist regime. This is not what one would call creating a new world.

3. The third alternative was contained in the British proposal, which was to summon these people to Paris to appear before those present, somewhat in the way that the Roman Empire summoned chiefs of outlying tributary states to render an account of their actions.

Mr. Lloyd George pointed out the fact that the argument might be used that there were already here certain representatives of these Governments; but take, for instance, the case of Sassonoff, who claims to represent the Government of Omsk. As a matter of fact, Sassonoff can not speak from personal observation. He is nothing but a partisan, like all the rest. He has never been in contact, and is not now in direct contact with the Government at Omsk.

It would be manifestly absurd for those who are responsible for bringing about the Peace Conference, to come to any agreement and leave Paris when one-half of Europe and one-half of Asia is still in flames. Those present must settle this question or make fools of themselves.

Mr. Lloyd George referred to the objection that had been raised to permitting Bolshevik delegates to come to Paris. It had been claimed that they would convert France and England to Bolshevism. If England becomes Bolshevist, it will not be because a single Bolshevist representative is permitted to enter England. On the

other hand, if a military enterprise were started against the Bolsheviki, that would make England Bolshevist, and there would be a Soviet in London. For his part, Mr. Lloyd George was not afraid of Bolshevism if the facts are known in England and the United States. The same applied to Germany. He was convinced that an educated democracy can be always trusted to turn down Bolshevism.

Under all circumstances, Mr. Lloyd George saw no better way out than to follow the third alternative. Let the Great Power impose their conditions and summon these people to Paris to give an account of themselves to the Great Powers, not to the Peace Conference.

Mr. Pichon suggested that it might be well to ask M. Noulens, the French Ambassador to Russia, who had just returned to France, to appear before the meeting tomorrow morning, and give those present his views on the Russian situation.

President Wilson stated that he did not see how it was possible to controvert the statement of Mr. Lloyd George. He thought that there was a force behind this discussion which was no doubt in his mind, but which it might be desirable to bring out a little more definitely. He did not believe that there would be sympathy anywhere with the brutal aspect of Bolshevism, if it were not for the fact of the domination of large vested interests in the political and economic world. While it might be true that this evil was in process of discussion and slow reform, it must be admitted, that the general body of men have grown impatient at the failure to bring about the necessary reform. He stated that there were many men who represented large vested interests in the United States who saw the necessity for these reforms and desired something which should be worked out at the Peace Conference, namely, the establishment of some machinery to provide for the opportunity of the individuals greater than the world has ever known. Capital and labor in the United States are not friends. Still they are not enemies in the sense that they are thinking of resorting to physical force to settle their differences. But they are distrustful, each of the other. Society can not go on that plane. On the one hand, there is a minority possessing capital and brains; on the other, a majority consisting of the great bodies of workers who are essential to the minority, but do not trust the minority, and feel that the minority will never render them their rights. A way must be found to put trust and cooperation between these two.

President Wilson pointed out that the whole world was disturbed by this question before the Bolsheviki came into power. Seeds need soil, and the Bolsheviki seeds found the soil already prepared for them.

President Wilson stated that he would not be surprised to find that the reason why British and United States troops would not be ready to enter Russia to fight the Bolsheviki was explained by the fact that the troops were not at all sure that if they put down Bolshevism they would not bring about a re-establishment of the ancient order. For example, in making a speech recently, to a well-dressed audience in New York City who were not be to expected to show such feeling, Mr. Wilson had referred casually to Russia, stating that the United States would do its utmost to aid her suppressed people. The audience exhibited the greatest enthusiasm, and this had remained in the President's mind as an index to where the sympathies of the New World are.

President Wilson believed that those present would be playing against the principle of the free spirit of the world if they did not give Russia a chance to find herself along the lines of utter freedom. He concurred with Mr. Lloyd George's view and supported his recommendations that the third line of procedure be adopted.

President Wilson stated that he had also, like Mr. Lloyd George, received a memorandum from his experts which agreed substantially with the information which Mr. Lloyd George had received. There was one point which he thought particularly worthy of notice, and that was the report that the strength of the Bolshevik leaders lay in the argument that if they were not supported by the people of Russia, there would be foreign intervention, and the Bolsheviki were the only thing that stood between the Russians and foreign military control. It might well be that if the Bolsheviki were assured that they were safe from foreign aggression, they might lose support of their own movement.

President Wilson further stated that he understood that the danger of destruction of all hope in the Baltic provinces was immediate, and that it should be made very clear if the British proposal were adopted, that the Bolsheviki would have to withdraw entirely from Lithuania and Poland. If they would agree to this to refrain from reprisals and outrages, he, for his part, would be prepared to receive representatives from as many groups and centers of action, as chose to come, and endeavor to assist them to reach a solution of their problem.

He thought that the British proposal contained the only suggestions that lead anywhere. It might lead nowhere. But this could at least be found out.

M. Pichon referred again to the suggestion that Ambassador Noulens be called before the meeting.

Mr. Balfour suggested that it might be well to call the Dutch Consul, lately in Petrograd, if it was the desire of those present to hear the anti-Bolshevik side.

Baron Sonnino suggested that M. Scavenius, Minister of Denmark, recently in Russia, would be able to give interesting data on the Russian situation.

Those present seemed to think that it might be desirable to hear what these gentlemen might have to say.

Senator KNOX. Do you know anything about a letter that Buckler wrote to the President in relation to his mission? Have you ever seen a copy of his report in the form of a letter?

Mr. BULLITT. I have read a copy of his report, but I have not the copy. The only reference I have to it that I find, in the short time I have had to go over my papers since I came down from the woods, is in a memorandum to Col. House in reference to the withdrawal of the American troops from Archangel [reading]:

Buckler discussed the matter of the withdrawal of these troops with Litvinoff, who said that unquestionably the Bolsheviki would agree to an armistice on the Archangel front at any time; and, furthermore, would pledge themselves not to injure in any way those Russians in and about Archangel who have been cooperating with the Allies. He, furthermore, suggested that such Russians as did not care to trust their lives to such a promise should be taken out with the troops.

Senator KNOX. Do you know anything about whether Litvinov communicated directly with the President in reference to this Buckler mission?

Mr. BULLITT. Litvinov had written a letter to the President, which has since been widely published, on December 24.

Senator KNOX. That is the letter I had in mind. I had seen some references to that. Do you have a copy of that letter?

Mr. BULLITT. I do not know whether I have any copies of this letter—that is, authentic. I think I have a newspaper copy some place, but I have no actual copy of the letter.

Senator KNOX. Can you tell us anything more about the discussion in reference to the withdrawal of troops from Russia that took place at that time—anything more than is indicated by your letter, there?

Mr. BULLITT. There were very serious discussions, all the time. Telegrams were being received frequently from the various commanders at Archangel, the American and the British notably, in regard to conditions, which they described as likely to be disastrous, and discussions of real gravity were taking place all the time. The subject was very much in the air. I have, I will say, very few references to that particular condition. I have here this memorandum which takes up some of these subjects. I do not know if the committee would care to hear it.

The CHAIRMAN. Yes.

Senator KNOX. This is a memorandum that you sent to Col. House?

Mr. BULLITT. Yes; Col. House.

Senator KNOX. Please read it.

Mr. BULLITT (reading):

BULLITT EXHIBIT NO. 12.

JANUARY 30, 1919.

Memorandum for Col. House.

Subject: Withdrawal of American troops from Archangel.

DEAR COL. HOUSE: The 12,000 American, British, and French troops at Archangel are no longer serving any useful purpose. Only 3,000 Russians have rallied around

this force. It is the attacked, not the attacker, and serves merely to create cynicism in regard to all our proposals and to stimulate recruiting for the Red Army.

Furthermore, the 4,000 Americans, 6,000 British, 2,000 French, and 3,000 Russian troops in this region are in considerable danger of destruction by the Bolsheviki. Gen. Ironside has just appealed for reenforcements and the British war office has directed the commanding general at Murmansk to be prepared to dispatch a battalion of Infantry to Archangel.

Instead of transferring troops from Murmansk to Archangel, it seems to me that we should at once transfer to Murmansk and bring home the troops which are now at Archangel. Aside from the needless suffering which these men are enduring, aside from the demands of the public in the United States and England for the return of these men, it seems to me that the withdrawal of these troops would be of great value as a proof that we have made the Prinkipos proposal in full good faith.

I have asked Gen. Churchill to obtain the most expert opinion available on the practicability of moving the 12,000 American, British, and French troops and such Russians as may wish to accompany them from Archangel to Murmansk. The appended memorandum and map which he has prepared show that unless the ice in the White Sea suddenly becomes thicker it is at present possible with the aid of six ice breakers which are now at Archangel to move these troops by water to Kem on the Murmansk Railroad, whence they may be carried by train to Murmansk.

Buckler discussed the matter of the withdrawal of these troops with Litvinov, who said that unquestionably the Bolsheviki would agree to an armistice on the Archangel front at any time and, furthermore, would pledge themselves not to injure in any way those Russians in and about Archangel who have been cooperating with the Allies. He furthermore suggested that such Russians as did not care to trust their lives to such a promise should be taken out with the troops.

The provisional government at Archangel has just notified us that it will not accept the proposal for a conference at Prinkipos. It seems dignified and honorable at this moment to inform the Archangel government that since it can not agree to the allied proposal, presented after the most serious consideration, we shall decline to support it further with arms, but will make provision for the safety of all Russians who are unwilling to remain at Archangel.

I have discussed this Archangel business at some length with Philip Kerr, Lloyd-George's secretary, who says that L. G. intends to bring the British troops out on the 1st of May, which he believes to be the first practicable moment. The first practicable moment, however, seems to be now.

The situation at Archangel is most serious for the soldiers who are stationed there, but it is also serious for the Governments which sent them out and seem to have abandoned them. Unless they are saved by prompt action, we shall have another Gallipoli.

Very respectfully, yours,

WILLIAM C. BULLITT.

I discussed these matters with each one of the commissioners each morning. It was my duty to keep them au courant with anything that struck me as important, which in the stress of the business of the peace conference they were likely to overlook.

Senator KNOX. This was a memorandum made in the line of your duty?

Mr. BULLITT. This was a memorandum made as the result of the conversations that I had had with all of the commissioners that morning.

This particular memorandum, in fact, was ordered by Col. House, and in connection with it he asked me to have made a map showing the feasibility of getting the troops out of Russia, by the military experts of the conference, which map I have here. If you would be interested in it in any way, I will append the memorandum made for Gen. Churchill with regard to withdrawing the troops.

(The memorandum referred to was marked by the stenographer Bullitt Exhibit No. 13, but was not ordered to be printed in this record.)

Senator KNOX. I was going to ask you whether or not you had any information as to the terms which the Allies were willing to accept from Russia.

Mr. BULLITT. I had, of course, seen the discussions of the conference with regard to the entire Russian matter. The conference had decided, after long consideration, that it was impossible to subdue or wipe out the soviet government by force. The discussion of that is of a certain interest, I believe, in connection with this general matter. There are, in regard to the question you have just asked, minutes of the council of ten, on January 21, 1919.

Lloyd-George had introduced the proposition that representatives of the soviet government should be brought to Paris along with the representatives of the other Russian governments [reading]:

BULLITT EXHIBIT NO. 14.

[McD. Secret. I. C. 114. Secretaries' notes of a conversation held in M. Pichon's room at the Quai d'Orsay on Tuesday, January 21, 1919, at 15 hours.]

PRESENT.

United States of America: President Wilson, Mr. R. Lansing, Mr. A. H. Frazier, Col. U. S. Grant, Mr. L. Harrison.
British Empire: The Right Hon. D. Lloyd-George, The Right Hon. A. J. Balfour, Lieut. Col. Sir M. P. A. Hankey, K. C. B., Maj. A. M. Caccia, M. V. O., Mr. E. Phipps.
France: M. Clemenceau, M. Pichon, M. Dutasta, M. Berthelot, Capt. A. Potier.
Italy: Signor Orlando, H. E. Baron Sonnino, Count Aldrovandi, Maj. A. Jones.
Japan: Baron Makino, H. E. M. Matsui, M. Saburi.
Interpreter, Prof. P. J. Mantoux.

SITUATION IN RUSSIA.

M. Clemenceau said they had met together to decide what could be done in Russia under present circumstances.

President Wilson said that in order to have something definite to discuss, he wished to take advantage of a suggestion made by Mr. Lloyd-George and to propose a modification of the British proposal. He wished to suggest that the various organized groups in Russia should be asked to send representatives, not to Paris, but to some other place, such as Salonika, convenient of approach, there to meet such representatives as might be appointed by the Allies, in order to see if they could draw up a program upon which agreement could be reached.

Mr. Lloyd-George pointed out that the advantage of this would be that they could be brought straight there from Russia through the Black Sea without passing through other countries.

M. Sonnino said that some of the representatives of the various Governments were already here in Paris, for example, M. Sazenoff. Why should these not be heard?

President Wilson expressed the view that the various parties should not be heard separately. It would be very desirable to get all these representatives in one place, and still better, all in one room, in order to obtain a close comparison of views.

Mr. Balfour said that a further objection to Mr. Sonnino's plan was that if M. Sazonoff was heard in Paris, it would be difficult to refuse to hear the others in Paris also, and M. Clemenceau objected strongly to having some of these representatives in Paris.

M. Sonnino explained that all the Russian parties had some representatives here, except the soviets, whom they did not wish to hear.

M. Lloyd-George remarked that the Bolshevists were the very people some of them wished to hear.

M. Sonnino continuing said that they had heard M. Litvinoff's statements that morning.

That was the statement that Litvinoff had made to Buckler which the President had read to the council of ten that morning.

[Continuing reading.]

The Allies were now fighting against the Bolshevists who were their enemies, and therefore they were not obliged to hear them with the others.

Mr. Balfour remarked that the essence of President Wilson's proposal was that the parties must all be heard at one and the same time.

Mr. Lloyd George expressed the view that the acceptance of M. Sonnino's proposals would amount to their hearing a string of people, all of whom held the same opinion, and all of whom would strike the same note. But they would not hear the people who at the present moment were actually controlling European Russia. In deference to M. Clemenceau's views, they had put forward this new proposal. He thought it would be quite safe to bring the Bolshevist representatives to Salonika, or perhaps to Lemnos. It was absolutely necessary to endeavor to make peace. The report read by President Wilson that morning went to show that the Bolshevists were not convinced of the error of their ways, but they apparently realised the folly of their present methods. Therefore they were endeavouring to come to terms.

President Wilson asked to be permitted to urge one aspect of the case. As M. Sonnino had implied, they were all repelled by Bolshevism, and for that reason they had placed armed men in opposition to them. One of the things that was clear in the Russian situation was that by opposing Bolshevism with arms, they were in reality serving the cause of Bolshevism. The Allies were making it possible for the Bolsheviks to argue that Imperialistic and Capitalistic Governments were endeavouring to exploit the country and to give the land back to the landlords, and so bring about a re-action. If it could be shown that this was not true, and that the Allies were prepared to deal with the rulers of Russia, much of the moral force of this argument would disappear. The allegation that the Allies were against the people and wanted to control their affairs provided the argument which enabled them to raise armies. If, on the other hand, the Allies could swallow their pride and the natural repulsion which they felt for the Bolshevists and see the representatives of all organized groups in one place, he thought it would bring about a marked reaction against Bolshevism.

M. Clemenceau said that, in principle, he did not favour conversation with the Bolshevists; not because they were criminals, but because we would be raising them to our level by saying that they were worthy of entering into conversation with us. The Bolshevist danger was very great at the present moment. Bolshevism was spreading. It had invaded the Baltic Provinces and Poland, and that very morning they received very bad news regarding its spread to Budapesth and Vienna. Italy, also, was in danger. The danger was probably greater there than in France. If Bolshevism, after spreading in Germany, were to traverse Austria and Hungary and so reach Italy, Europe would be faced with a very great danger. Therefore, something must be done against Bolshevism. When listening to the document presented by President Wilson that morning, he had been struck by the cleverness with which the Bolshevists were attempting to lay a trap for the Allies. When the Bolshevists first came into power, a breach was made with the Capitalist Government on questions of principle, but now they offered funds and concessions as a basis for treating with them. He need not say how valueless their promises were, but if they were listened to, the Bolshevists would go back to their people and say: "We offered them great principles of justice and the Allies would have nothing to do with us. Now we offer money, and they are ready to make peace."

He admitted his remarks did not offer a solution. The great misfortune was that the Allies were in need of a speedy solution. After four years of war, and the losses and sufferings they had incurred, their populations could stand no more. Russia also was in need of immediate peace. But its necessary evolution must take time. The signing of the world Peace could not await Russia's final avatar. Had time been available, he would suggest waiting, for eventually sound men representing commonsense would come to the top. But when would that be? He could make no forecast. Therefore they must press for an early solution.

To sum up, had he been acting by himself, he would temporize and erect barriers to prevent Bolshevism from spreading. But he was not alone, and in the presence of his colleagues he felt compelled to make some concession, as it was essential that there should not be even the appearance of disagreement amongst them. The concession came easier after having heard President Wilson's suggestions. He thought that they should make a very clear and convincing appeal to all reasonable peoples, emphatically stating that they did not wish in any way to interfere in the internal affairs of Russia, and especially that they had no intention of restoring Czardom. The object of the Allies being to hasten the creation of a strong Government, they proposed to call together representative of all parties to a Conference. He would beg beg President Wilson to draft a paper, fully explaining the position of the Allies to the whole world, including the Russians and the Germans.

Mr. Lloyd George agreed and gave notice that he wished to withdraw his own motion in favour of President Wilson's.

Mr. Balfour said that he understood that all these people were to be asked on an equality. On these terms he thought the Bolshevists would refuse, and by their refusal, they would put themselves in a very bad position.

Mr. Sonnino said that he did not agree that the Bolshevists would not come. He thought they would be the first to come, because they would be eager to put themselves on an equality with the others. He would remind his colleagues that, before the Peace of Brest-Litovsk was signed, the Bolshevists promised all sorts of things, such as to refrain from propaganda, but since that peace had been concluded they had broken all their promises, their one idea being to spread revolution in all other countries. His idea was to collect together all the anti-Bolshevik parties and help them to make a strong Government, provided they pledged themselves not to serve the forces of re-action and especially not to touch the land question, thereby depriving the Bolshevists of their strongest argument. Should they take these pledges, he would be prepared to help them.

Mr. Lloyd George enquired how this help would be given.

Mr. Sonnino replied that help would be given with soldiers to a reasonable degree or by supplying arms, food, and money. For instance, Poland asked for weapons and munitions; the Ukraine asked for weapons. All the Allies wanted was to establish a strong Government. The reason that no strong Government at present existed was that no party could risk taking the offensive against Bolshevism without the assistance of the Allies. He would enquire how the parties of order could possibly succeed without the help of the Allies. President Wilson had said that they should put aside all pride in the matter. He would point out that, for Italy and probably for France also, as M. Clemenceau had stated, it was in reality a question of self-defence. He thought that even a partial recognition of the Bolshevists would strengthen their position, and, speaking for himself, he thought that Bolshevism was already a serious danger in his country.

Mr. Lloyd George said he wished to put one or two practical questions to M. Sonnino. The British Empire now had some 15,000 to 20,000 men in Russia. M. de Scavenius had estimated that some 150,000 additional men would be required, in order to keep the anti-Bolshevist Governments from dissolution. And General Franchet d'Esperey also insisted on the necessity of Allied assistance. Now Canada had decided to withdraw her troops, because the Canadian soldiers would not agree to stay and fight against the Russians. Similar trouble had also occurred amongst the the other Allied troops. And he felt certain that, if the British tried to send any more troops there, there would be mutiny.

M. Sonnino suggested that volunteers might be called for.

Mr. Lloyd George, continuing, said that it would be impossible to raise 150,000 men in that way. He asked, however, what contributions America, Italy and France would make towards the raising of this Army.

President Wilson and M. Clemenceau each said none.

M. Orlando agreed that Italy could make no further contributions.

M. Lloyd George said that the Bolshevists had an army of 300,000 men who would, before long, be good soldiers, and to fight them at least 400,000 Russian soldiers would be required. Who would feed, equip and pay them? Would Italy, or America, or France, do so? If they were unable to do that, what would be the good of fighting Bolshevism? It could not be crushed by speeches. He sincerely trusted that they would accept President Wilson's proposal as it now stood.

M. Orlando agreed that the question was a very difficult one for the reasons that had been fully given. He agreed that Bolshevism constituted a grave danger to all Europe. To prevent a contagious epidemic from spreading, the sanitarians set up a *cordon Sanitaire*. If similar measures could be taken against Bolshevism, in order to prevent its spreading, it might be overcome, since to isolate it meant vanquishing it. Italy was now passing through a period of depression, due to war weariness. But Bolshevists could never triumph there, unless they found a favourable medium, such as might be produced either by a profound patriotic disappointment in their expectations as to the rewards of the war, or by an economic crisis. Either might lead to revolution, which was equivalent to Bolshevism. Therefore, he would insist that all possible measures should be taken to set up this cordon. Next, he suggested the consideration of repressive measures. He thought two methods were possible; either the use of physical force or the use of moral force. He thought Mr. Lloyd George's objection the use of physical force unanswerable. The occupation of Russia meant the employment of large numbers of troops for an indefinite period of time. This meant an apparent prolongation of the war. There remained the use of moral force. He agreed with M. Clemenceau that no country could continue in anarchy and that an end must eventually come; but they could not wait; they could not proceed to make peace and ignore Russia. Therefore, Mr. Lloyd George's proposal, with the modifications

introduced after careful consideration by President Wilson and M. Clemenceau, gave a possible solution. It did not involve entering into negotiations with the Bolsheviks; the proposal was merely an attempt to bring together all the parties in Russia with a view to finding a way out of the present difficulty. He was prepared, therefore, to support it.

President Wilson asked for the views of his Japanese colleagues.

Baron Makino said that after carefully considering the various points of view put forward, he had no objections to make regarding the conclusion reached. He thought that was the best solution under the circumstances. He wished, however, to enquire what attitude would be taken by the Representatives of the Allied powers if the Bolshevists accepted the invitation to the meeting and there insisted upon their principles. He thought they should under no circumstances countenance Bolshevist ideas. The conditions in Siberia East of the Baikal had greatly improved. The objects which had necessitated the despatch of troops to that region had been attained. Bolshevism was no longer aggressive, though it might still persist in a latent form. In conclusion, he wished to support the proposal before the meeting.

President Wilson expressed the view that the emissaries of the Allied Powers should not be authorised to adopt any definite attitude towards Bolshevism. They should merely report back to their Governments the conditions found.

Mr. Lloyd George asked that that question be further considered. He thought the emissaries of the Allied Powers should be able to establish an agreement if they were able to find a solution. For instance, if they succeeded in reaching an agreement on the subject of the organization of a Constituent Assembly, they should be authorised to accept such a compromise without the delay of a reference to the Governments.

President Wilson suggested that the emissaries might be furnished with a body of instructions.

Mr. Balfour expressed the view that abstention from hostile action against their neighbours should be made a condition of their sending representatives to this meeting.

President Wilson agreed.

M. Clemenceau suggested that the manifesto to the Russian parties should be based solely on humanitarian grounds. They should say to the Russians: "You are threatened by famine. We are prompted by humanitarian feelings; we are making peace; we do not want people to die. We are prepared to see what can be done to remove the menace of starvation". He thought the Russians would at once prick up their ears, and be prepared to hear what the Allies had to say. They would add that food cannot be sent unless peace and order were re-established. It should, in fact, be made quite clear that the representatives of all parties would merely be brought together for purely humane reasons.

Mr. Lloyd George said that in this connection he wished to invite attention to a doubt expressed by certain of the delegates of the British Dominions, namely, whether there would be enough food and credit to go round should an attempt be made to feed all Allied countries, and enemy countries, and Russia also. The export of so much food would inevitably have the effect of raising food prices in Allied countries and so create discontent and Bolshevism. As regards grain, Russia had always been an exporting country, and there was evidence to show that plenty of food at present existed in the Ukraine.

President Wilson said that his information was that enough food existed in Russia, but, either on account of its being hoarded or on account of difficulties of transportation, it could not be made available.

(It was agreed that President Wilson should draft a proclamation, for consideration at the next meeting, inviting all organized parties in Russia to attend a Meeting to be held at some selected place such as Salonika or Lemnos, in order to discuss with the representatives of the Allied and Associated Great Powers the means of restoring order and peace in Russia. Participation in the Meeting should be conditional on a cessation of hostilities.)

2. *Peace Conference.*—M. Clemenceau considered it to be most urgent that the delegates should be set to work. He understood that President Wilson would be ready to put on the table at the next full Conference, proposals relating to the creation of a League of Nations. He was anxious to add a second question, which could be studied immediately, namely, reparation for damages. He thought the meeting should consider how the work should be organized in order to give effect to this suggestion.

Mr. Lloyd George said that he agreed that these questions should be studied forthwith. He would suggest that, in the first place, the League of Nations should be considered, and, that after the framing of the principles, an International Committee of Experts be set to work out its constitution in detail. The same remark applied also to the question of indemnities and reparation. He thought that a Committee should also be appointed as soon as possible to consider International Labour Legislation.

President Wilson observed that he had himself drawn up a constitution of a League of Nations. He could not claim that it was wholly his own creation. Its generation was as follows:—He had received the Phillimore Report, which had been amended by Colonel House and re-written by himself. He had again revised it after having received General Smuts' and Lord Robert Cecil's reports. It was therefore a compound of these various suggestions. During the week he had seen M. Bourgeois, with whom he found himself to be in substantial accord on principles. A few days ago he had discussed his draft with Lord Robert Cecil and General Smuts, and they found themselves very near together.

Mr. Balfour suggested that President Wilson's draft should be submitted to the Committee as a basis for discussion.

President Wilson further suggested that the question should be referred as far as possible to the men who had been studying it.

Mr. Lloyd George expressed his complete agreement. He thought they themselves should, in the first place, agree on the fundamental principles and then refer the matter to the Committee. When that Committee met they could take President Wilson's proposals as the basis of discussion.

(It was agreed that the question of appointing and International Committee, consisting of two members from each of the five Great Powers, to whom would be referred President Wilson's draft, with certain basic principles to guide them, should be considered at the next meeting.)

3. *Poland.*—M. Pichon called attention to the necessity for replying to the demand addressed by M. Paderewski to Colonel House, which had been read by President Wilson that morning, and asked that Marshal Foch should be present.

(It was agreed that this question should be discussed at the next Meeting.)

4. *Disarmament.*—Mr. Balfour called attention to the urgency of the question of disarmament, and said that he would shortly propose that a Committee should be appointed to consider this question.

VILLA MAJESTIC, *Paris, January 21st, 1919.*

This is the minute of January 21, and the Prinkipos memorandum was written on January 22.

The instructions to the President were as follows:

It was agreed that President Wilson should draft a proclamation for consideration at the next meeting, inviting all organized parties in Russia to attend a meeting to be held at some selected place such as Salonika or Lemnos, in order to discuss with the representatives of the allied and associated great powers the means of restoring order and peace in Russia. Participation in the meeting should be conditional on a cessation of hostilities.

The President then wrote the Prinkipos proposition.

Senator KNOX. Did you make a written report of your mission?

Mr. BULLITT. I did, sir.

Senator KNOX. Have you it here?

Mr. BULLITT. Yes, sir. I might read the report without the appendices.

Senator KNOX. The chairman wants you to read it.

The CHAIRMAN. I do not know whether it is very long. The report he made would be of some interest. You were the only official representative sent?

Mr. BULLITT. Yes, sir; except Capt. Pettit, my assistant. The circumstances of my sending will perhaps require further elucidation. I not only was acquainted with the minutes of the discussions of the council of ten, but in addition I had discussed the subject with each of the commissioners each morning and I had talked with many British representatives. After the Prinkipos proposal was made, the replies began to come in from various factions, that they would refuse to accept it for various reasons. The soviet government replied in a slightly evasive form. They said, "We are ready to accept the terms of the proposals, and we are ready to talk about stopping fighting."

They did not say, We are ready to stop fighting on such and such a date." It was not made specific.

Senator KNOX. That was one of the conditions of the proposal.

Mr. BULLITT. It was. That is why I say they replied in an evasive manner. The French—and particularly the French foreign office, even more than Mr. Clemenceau—and you can observe from that minute were opposed to the idea, and we found that the French foreign office had communicated to the Ukrainian Government and various other antisoviet governments that if they were to refuse the proposal, they would support them and continue to support them, and not allow the Allies, if they could prevent it, or the allied Governments, to make peace with the Russian soviet government.

At all events, the time set for the Prinkipos proposal was February 15. At that time nobody had acted in a definite, uncompromising matter. It therefore fell to the ground.

There was a further discussion as to what should be done. The peace conference was still of the opinion that it was impossible to hope to conquer the soviet government by force of arms, because in the latter part of that report, which I did not read to the committee, there was expressed very forcibly the opinion of Mr. Lloyd-George, that the populations at home would not stand it. Therefore they desired to follow up further the line of making peace.

About that time I was working particularly closely on the Russian affairs. I had had a number of discussions with everyone concerned in it, and on the very day that Col. House and Mr. Lansing first asked me to undertake this mission to Russia, I was dining at Mr. Lloyd-George's apartment to discuss Russian affairs with his secretaries, so that I had a fair idea of the point of view of everyone in Paris.

I further, before I went, received urgent instructions from Secretary Lansing if possible to obtain the release of Consul Treadwell, who had been our consul in Petrograd and had been transferred to Tashkent, and had been detained by the local soviet government and had been kept there several months. He was one of our Government officers they had seized. Mr. Lansing ordered me to do everything I could to obtain his release.

I further, before I went, asked Col. House certain specific questions in regard to what, exactly, the point of view of our Government was on this subject, what we were ready to do, and I think it perhaps might be important to detail a brief résumé of this conversation. The idea was this: Lloyd-George had gone over to London on February 9, as I remember, to try to adjust some labor troubles. He, however, still insisted that the Prinkipos proposal must be renewed or some other peace proposal must be made, and I arranged a meeting between him and Col. House, which was to take place, I believe, on February 24, at which time they were to prepare a renewal of the Prinkipos proposal, and they were both prepared to insist that it be passed against any opposition of the French.

I arranged this meeting through Mr. Philip Kerr, Mr. Lloyd-George's confidential assistant. However, on the 19th day of the month, Mr. Clemenceau was shot, and the next day Mr. Lloyd-George telephoned over from London to say that as long as Clemenceau was wounded and was ill, he was boss of the roost, and that anything he desired to veto would be immediately wiped out and therefore it

was no use for him and Col. House, as long as Clemenceau was ill, to attempt to renew the Prinkipos proposal, as Clemenceau would simply have to hold up a finger and the whole thing would drop to the ground. Therefore, it was decided that I should go at once to Russia to attempt to obtain from the soviet government an exact statement of the terms on which they were ready to stop fighting. I was ordered if possible to obtain that statement and have it back in Paris before the President returned to Paris from the United States. The plan was to make a proposal to the soviet government which would certainly be accepted.

The CHAIRMAN. These orders came from the President?

Mr. BULLITT. These orders came to me from Col. House. I also discussed the matter with Mr. Lansing, and Mr. Lansing and Col. House gave me the instructions which I had.

Senator KNOX. You said a moment ago that you went to Col. House to get a statement of the American position.

Mr. BULLITT. Yes; I asked Col. House these questions [reading]:

BULLITT EXHIBIT No. 15.

1. If the Bolsheviki are ready to stop the forward movement of their troops on all fronts and to declare an armistice on all fronts, would we be willing to do likewise?
2. Is the American Government prepared to insist that the French, British, Italian, and Japanese Governments shall accept such an armistice proposal?
3. If fighting is stopped on all fronts, is the Government of the United States prepared to insist on the reestablishment of economic relations with Russia, subject only to the equitable distribution among all classes of the population of supplies and food and essential commodities which may be sent to Russia?

In other words, a sort of Hoover Belgian distribution plan so that the Bolsheviki could not use the food we sent in there for propaganda purposes and to starve their enemies and to feed their friends.

The fourth question I asked him was as follows:

4. Is the United States Government, under these conditions, prepared to press the Allies for a joint statement that all Allied troops will be withdrawn from the soil of Russia as soon as practicable, on condition that the Bolsheviki give explicit assurances that there will be no retaliation against persons who have cooperated with the allied forces?

Col. House replied that we were prepared to.

Further, I asked Col. House whether it was necessary to get a flat and explicit assurance from the soviet government that they would make full payment of all their debts before we would make peace with them, and Col. House replied that it was not; that no such statement was necessary. However, that such a statement would be extremely desirable to have, inasmuch as much of the French opposition to making peace with the soviet government was on account of the money owed by Russia to France.

I further had an intimation of the British disposition toward Russia. As I said before, I had discussed the matter with Mr. Philip Kerr, and Sir Maurice Hankey and Col. House asked me to inform Mr. Kerr of my mission before I went. It was to be an entire secret from all except the British. The British and American delegations worked in very close touch throughout the conference, and there were practically no secrets that the American delegation had that were not also the property of the British delegation.

I was asked to inform Mr. Kerr of this trip. I told him all about it, and asked him if he could get Mr. Balfour and Mr. Lloyd-George

to give me a general indication of their point of view on peace with Russia; what they would be prepared to do in the matter.

Mr. Kerr and I then talked and prepared what we thought might be the basis of peace with Russia.

I then received from Mr. Kerr, before I left, the following letter, which is a personal letter, which I regret greatly to bring forward, but which I feel is necessary in the interest of an understanding of this matter. [Reading:]

BULLITT EXHIBIT No. 16.

[Private and confidential.]

BRITISH DELEGATION,
Paris, February 21, 1919.

MY DEAR BULLITT: I inclose a note of the sort of conditions upon which I personally think it would be possible for the allied Governments to resume once more normal relations with Soviet Russia. You will understand, of course, that these have no official significance and merely represent suggestions of my own opinion.

Yours, sincerely,

P. H. KERR.

That was from Mr. Kerr, Lloyd-George's confidential secretary. Mr. Kerr had, however, told me that he had discussed the entire matter with Mr. Lloyd-George and Mr. Balfour, and therefore I thought he had a fair idea of what conditions the British were ready to accept. The note inclosed reads as follows:

1. Hostilities to cease on all fronts.
2. All de facto governments to remain in full control of the territories which they at present occupy.
3. Railways and ports necessary to transportation between soviet Russia and the sea to be subject to the same regulations as international railways and ports in the rest of Europe.
4. Allied subjects to be given free right of entry and full security to enable them to enter soviet Russia and go about their business there provided they do not interfere in politics.
5. Amnesty to all political prisoners on both sides: full liberty to all Russians who have fought with the Allies.
6. Trade relations to be restored between soviet Russia and the outside world under conditions which, while respecting the sovereignty of soviet Russia insure that allied supplies are made available on equal terms to all classes of the Russian people.
7. All other questions connected with Russia's debt to the Allies, etc., to be considered independently after peace has been established.
8. All allied troops to be withdrawn from Russia as soon as Russian armies above quota to be defined have been demobilized and their surplus arms surrendered or destroyed.

You will see the American and British positions were very close together.

Senator KNOX. With these statements from Col. House as to the American position and from Mr. Kerr as to the British position, and with the instructions which you had received, you proceeded to Russia, and, as you said a moment ago, you made a written report?

Mr. BULLITT. I did, sir. Do you want it read, or shall I state the substance and then put it in the record? I think I can state it more briefly if I read the first eight pages of it and then put the rest of it in the record.

The CHAIRMAN. Very well; do that.

Mr. BULLITT. This report I made to the President and to the American commissioners, by order of the President transmitted to

me on my return by Mr. Lansing. I should like to say, before I read this report, that of course I was in Russia an extremely short time, and this is merely the best observation that I could make supplemented by the observation of Capt. Pettit of the Military Intelligence, who was sent in as my assistant, and with other impressions that I got from Mr. Lincoln Steffens and other observers who were there.

Senator KNOX. How long were you in Russia?

Mr. BULLITT. For only one week. I was instructed to go in and bring back as quickly as possible a definite statement of exactly the terms the soviet government was ready to accept. The idea in the minds of the British and the American delegation were that if the Allies made another proposal it should be a proposal which we would know in advance would be accepted, so that there would be no chance of another Prinkipos proposal miscarrying.

I might perhaps read first, or show to you, the official text. This is the official text of their proposition which they handed me in Moscow on the 14th of March. Here is a curious thing—the soviet foreign office envelope.

As I said, I was sent to obtain an exact statement of the terms that the soviet government was ready to accept, and I received on the 14th the following statement from Tchitcherin and Litvinov.

Senator KNOX. Who were they?

Mr. BULLITT. Tchitcherin was peoples' commisar for foreign affairs of the soviet republic and Litvinoff was the former soviet ambassador to London, the man with whom Buckler had had his conversation, and who was now practically assistant secretary for foreign affairs.

I also had a conference with Lenin. The soviet government undertook to accept this proposal provided it was made by the allied and associated Governments not later than April 10, 1919. The proposal reads as follows [reading]:

BULLITT EXHIBIT No. 17.

TEXT OF PROJECTED PEACE PROPOSAL BY THE ALLIED AND ASSOCIATED GOVERNMENTS.

The allied and associated Governments to propose that hostilities shall cease on all fronts in the territory of the former Russian Empire and Finland on [1] and that no new hostilities shall begin after this date, pending a conference to be held at [2] on.[3]

The duration of the armistice to be for two weeks, unless extended by mutual consent, and all parties to the armistice to undertake not to employ the period of the armistice to transfer troops and war material to the territory of the former Russian Empire.

The conference to discuss peace on the basis of the following principles, which shall not be subject to revision by the conference.

1. All existing de facto governments which have been set up on the territory of the former Russian Empire and Finland to remain in full control of the territories which they occupy at the moment when the armistice becomes effective, except in so far as the conference may agree upon the transfer of territories; until the peoples inhabiting the territories controlled by these de facto governments shall themselves determine to change their Governments. The Russian Soviet Government, the other soviet governments and all other governments which have been set up on the territory of

[1] The date of the armistice to be set at least a week after the date when the allied and associated Governments make this proposal.

[2] The soviet government greatly prefers that the conference should be held in a neutral country and also that either a radio or a direct telegraph wire to Moscow should be put at its disposal.

[3] The conference to begin not later than a week after the armistice takes effect and the soviet government greatly prefers that the period between the date of the armistice and the first meeting of the conference should be only three days, if possible.

the former Russian Empire, the allied and associated Governments, and the other Governments which are operating against the soviet governments, including Finland, Poland, Galicia, Roumania, Armenia, Azerbaidjan, and Afghanistan, to agree not to attempt to upset by force the existing de facto governments which have been set up on the territory of the former Russian Empire and the other Governments signatory to this agreement.[1]

2. The economic blockade to be raised and trade relations between Soviet Russia and the allied and associated countries to be reestablished under conditions which will ensure that supplies from the allied and associated countries are made available on equal terms to all classes of the Russian people.

3. The soviet governments of Russia to have the right of unhindered transit on all railways and the use of all ports which belonged to the former Russian Empire and to Finland and are necessary for the disembarkation and transportation of passengers and goods between their territories and the sea; detailed arrangements for the carrying out of this provision to be agreed upon at the conference.

4. The citizens of the soviet republics of Russia to have the right of free entry into the allied and associated countries as well as into all countries which have been formed on the territory of the former Russian Empire and Finland; also the right of sojourn and of circulation and full security, provided they do not interfere in the domestic politics of those countries.[2]

Nationals of the allied and associated countries and of the other countries above named to have the right of free entry into the soviet republics of Russia; also the right of sojourn and of circulation and full security, provided they do not interfere in the domestic politics of the soviet republics.

The allied and associated Governments and other governments which have been set up on the territory of the former Russian Empire and Finland to have the right to send official representatives enjoying full liberty and immunity into the various Russian Soviet Republics. The soviet governments of Russia to have the right to send official representatives enjoying full liberty and immunity into all the allied and associated countries and into the nonsoviet countries which have been formed on the territory of the former Russian Empire and Finland.

5. The soviet governments, the other Governments which have been set up on the territory of the former Russian Empire and Finland, to give a general amnesty to all political opponents, offenders, and prisoners. The allied and associated Governments to give a general amnesty to all Russian political opponents, offenders, and prisoners, and to their own nationals who have been or may be prosecuted for giving help to Soviet Russia. All Russians who have fought in, or otherwise aided the armies opposed to the soviet governments, and those opposed to the other Governments which have been set up on the territory of the former Russian Empire and Finland to be included in this amnesty.

All prisoners of war of non-Russian powers detained in Russia, likewise all nationals of those powers now in Russia to be given full facilities for repatriation. The Russian prisoners of war in whatever foreign country they may be, likewise all Russian nationals, including the Russian soldiers and officers abroad and those serving in all foreign armies to be given full facilities for repatriation.

6. Immediately after the signing of this agreement all troops of the allied and associated Governments and other non-Russian Governments to be withdrawn from Russia and military assistance to cease to be given to antisoviet Governments which have been set up on the territory of the former Russian Empire.

The soviet governments and the antisoviet governments which have been set up on the territory of the former Russian Empire and Finland to begin to reduce their armies simultaneously, and at the same rate, to a peace footing immediately after the signing of this agreement. The conference to determine the most effective and just method of inspecting and controlling this simultaneous demobilization and also the withdrawal of the troops and the cessation of military assistance to the antisoviet governments.

7. The allied and associated Governments, taking cognizance of the statement of the soviet government of Russia, in its note of February 4, in regard to its foreign debts, propose as an integral part of this agreement that the soviet governments and the other governments which have been set up on the territory of the former Russian Empire and Finland shall recognize their responsibility for the financial obligations of the former Russian Empire, to foreign States parties to this agreement and to the

[1] The allied and associated Governments to undertake to see to it that the de facto governments of Germany do not attempt to upset by force the de facto governments of Russia. The de facto governments which have been set up on the territory of the former Russian Empire to undertake not to attempt to upset by force the de facto governments of Germany.

[2] It is considered essential by the soviet government that the allied and associated Governments should see to it that Poland and all neutral countries extend the same rights as the allied and associated countries.

nationals of such States. Detailed arrangements for the payment of these debts to be agreed upon at the conference, regard being had to the present financial position of Russia. The Russian gold seized by the Czecho-Slovaks in Kazan or taken from Germany by the Allies to be regarded as partial payment of the portion of the debt due from the soviet republics of Russia.

The Soviet Government of Russia undertakes to accept the foregoing proposal provided it is made not later than April 10, 1919.

In regard to the second sentence in paragraph 5, in regard to "giving help to Soviet Russia" I may say that I was told that that was not a sine qua non but it was necessary in order to get the proposal through the Russian executive committee, which it had to pass before it was handed to me.

I was also handed an additional sheet, which I refused to take as a part of the formal document, containing the following:

The Soviet Government is most anxious to have a semiofficial guaranty from the American and British Governments that they will do their utmost to see to it that France lives up to the conditions of the armistice.

The soviet government had a deep suspicion of the French Government.

In reference to this matter, and in explanation of that proposal, I sent a number of telegrams from Helsingfors. I feel that in a way it is important, for an explanation of the matter, that those telegrams should be made public, but, on the other hand, they were sent in a confidential code of the Department of State, and I do not feel at liberty to read them unless ordered to specifically by the committee. I should not wish to take the responsibility for breaking a code which is in current use by the department.

Senator KNOX. I should think your scruples were well founded. I should not read those telegrams.

Mr. BULLITT. I can simply inform you briefly of the nature of them.

Senator KNOX. You might give us the nature of them. To whom were they sent?

Mr. BULLITT. On reaching Petrograd I sent Capt. Pettit out to Helsingfors after I had had a discussion with Tchitcherin and with Litvinoff with a telegram, in which I said I had reached Petrograd and had perfected arrangements to cross the boundary at will, and to communicate with the mission via the consul at Helsingfors; that the journey had been easy, and that the reports of frightful conditions in Petrograd had been ridiculously exaggerated.

I described the discussions I had had with Tchitcherin and with Litvinoff, and said they had assured me that after going to Moscow and after discussion with Lenin, I should be able to carry out a specific statement of the position of the soviet government on all points.

On reaching Helsingfors I sent a telegram to the mission at Paris "Most secret, for the President, Secretary Lansing, and Col. House only," in which I said that in handing me the statement which I have just read, Tchitcherin and Litvinov had explained that the Executive Council of the soviet government had formally considered and adopted it, and that the soviet government considered itself absolutely bound to accept the proposals made therein, provided they were made on or before April 10, and under no conditions would they change their minds.

I also explained that I had found Lenin, Tchitcherin, and Litvinov full of the sense of Russia's need for peace, and that I felt the details

of their statement might be modified without making it unacceptable to them, and that in particular the clause under article 5 was not of vital importance. That, on the other hand, I felt that in the main this statement represented the minimum terms that the soviet government would accept.

I explained that it was understood with regard to article 2 that the allied and associated countries should have a right to send inspectors into soviet Russia and see to it that the disposition of supplies, if the blockade was lifted, was entirely equitable, and I explained also that it was fully understood that the phrase under article 4 on "official representatives" did not include diplomatic representatives, that the soviet government simply desired to have some agents who might more or less look out for their people here.

I explained further that in regard to footnote No. 2, the soviet government hoped and preferred that the conference should be held in Norway; that its preferences thereafter were, first, some point in between Russia and Finland; second, a large ocean liner anchored off Moon Island or the Aland Islands; and, fourth, Prinkipos.

I also explained that Tchitcherin and all the other members of the government with whom I had talked had said in the most positive and unequivocal manner that the soviet government was determined to pay its foreign debts, and I was convinced that there would be no dispute on that point.

Senator KNOX. Do you know how these telegrams were received in Paris, whether favorably or unfavorably?

Mr. BULLITT. I can only say, in regard to that, there are three other very brief ones. One was on a subject which I might give you the gist of before I go on with it.

Senator KNOX. Go ahead, in your own way.

Mr. BULLITT. Col. House sent me a message of congratulation on receipt of them, and by one of the curious quirks of the conference, a member of the secretariat refused to send the message because of the way in which it was signed, and Col. House was only able to give me a copy of it when I reached Paris. I have a copy of it here.

Senator HARDING. Would not this story be more interesting if we knew which member of the conference objected?

Mr. BULLITT. I believe the objection was on the technical point that Col. House had signed "Ammission" instead of his name, but I really do not know which member of the conference it was that made the objection.

I then sent another telegram, which is rather long, too long to attempt to paraphrase, and I will ask that I may not put it in, because the entire substance of it is contained in briefer form in my formal report. This telegram itself is in code.

Senator BRANDEGEE. Are there any translations of those of your telegrams that are in code?

Mr. BULLITT. No; I have given you the substance of them as I have gone along.

As I said to you before, Secretary Lansing had instructed me if possible to obtain the release of Mr. Treadwell, our consul at Tashkent, somewhere between 4,000 and 5,000 miles from Moscow. In Moscow I had spoken to Lenin and Tchitcherin and Litvinov in regard to it, and finally they said they recognized that it was foolish to hold him; that they had never really given much thought to the matter;

that he had been held by the local government at Tashkent, which was more than 4,000 miles away; that raids were being made on the railroad constantly, and they might have some difficulty in communicating. However, they promised me that they would send a telegram at once ordering his release, and that they would send him out either by Persia or by Finland whichever way he preferred. I told them I was sure he would prefer to go by way of Finland. Here is a copy of their telegram ordering his release, which will not be of much use to you, I fear, as it is in Russian. They carried out this promise to the letter, releasing Treadwell at once, and Treadwell in due course of time and in good health appeared on the frontier of Finland on the 27th of April. All that time was consumed in travel from Tashkent, which is a long way under present conditions.

Senator NEW. I saw Mr. Treadwell here some time ago.

Mr. BULLITT. I then sent a telegram in regard to Mr. Pettit, the officer of military intelligence, who was with me as my assistant, saying I intended to send him back to Petrograd at once to keep in touch with the situation so that we should have information constantly. I will say in this connection that it was not an extraordinary thing for the various Governments to have representatives in Russia. The British Government had a man in there at the same time that I was there. He was traveling as a Red Cross representative, but in reality he was there for the Foreign Office, a Maj. A. R. Parker, I believe. I am not certain of his name, but we can verify it.

I also sent a telegram from Helsingfors, "strictly personal to Col. House," requesting him to show my fifth and sixth telegrams to Mr. Philip Kerr, Mr. Lloyd-George's secretary, so that Mr. Lloyd-George might be at once informed in regard to the situation, inasmuch as he had known I was going, and inasmuch as the British had been so courteous as to offer to send me across on a cruiser. When I got to London and found that the torpedo boat on which I had expected to go was escorting the President, Mr. Lloyd-George's office in London called up the Admiralty and asked them to give me a boat in which to go across. Incidentally I was informed by Col. House, on my arrival in Paris, that copies of my telegrams had been sent at once to Mr. Lloyd-George and Mr. Balfour.

Senator KNOX. Mr. Bullitt, I do not think we need to go into quite so much detail. You have told us now with what instructions you went, what the British attitude was, what the American attitude was, and what the soviet government proposed. Now, let us have your report.

Mr. BULLITT. All right, sir. This was my report——

Senator BRANDEGEE. What is the date of that, please.

Mr. BULLITT. This copy does not bear the date on it.. On the other hand I can tell you within a day or two. The date unfortunately was left off of this particular copy. It was made on or about the 27th or 28th day of March, in the week before April 1.

Senator BRANDEGEE. 1919?

Mr. BULLITT. 1919. I unquestionably could obtain from Secretary Lansing or the President or some one else the actual original of the report.

Senator BRANDEGEE. I do not care about the precise date, but I want to get it approximately.

Mr. BULLITT. It was about the 1st day of April.

Senator KNOX. To whom was the report made?

Mr. BULLITT. The report was addressed to the President and the American commissioners plenipotentiary to negotiate peace. I was ordered to make it. I had sent all these telegrams from Helsingfors, and I felt personally that no report was necessary, but the President desired a written report, and I made the report as follows:

BULLITT EXHIBIT No. 18.

RUSSIA.

ECONOMIC SITUATION.

Russia to-day is in a condition of acute economic distress. The blockade by land and sea is the cause of this distress and lack of the essentials of transportation is its gravest symptom. Only one-fourth of the locomotives which ran on Russian lines before the war are now available for use. Furthermore, Soviet Russia is cut off entirely from all supplies of coal and gasoline. In consequence, transportation by all steam and electric vehicles is greatly hampered; and transportation by automobile and by the fleet of gasoline-using Volga steamers and canal boats is impossible. (Appendix, p. 10.)

As a result of these hindrances to transportation it is possible to bring from the grain centers to Moscow only 25 carloads of food a day, instead of the 100 carloads which are essential, and to Petrograd only 15 carloads, instead of the essential 50. In consequence, every man, woman, and child in Moscow and Petrograd is suffering from slow starvation. (Appendix, p. 11.)

Mortality is particularly high among new-born children whose mothers can not suckle them, among newly-delivered mothers, and among the aged. The entire population, in addition, is exceptionally susceptible to disease; and a slight illness is apt to result fatally because of the total lack of medicines. Typhoid, typhus, and smallpox are epidemic in both Petrograd and Moscow.

Industry, except the production of munitions of war, is largely at a standstill. Nearly all means of transport which are not employed in carrying food are used to supply the army, and there is scarcely any surplus transport to carry materials essential to normal industry. Furthermore, the army has absorbed the best executive brains and physical vigor of the nation. In addition, Soviet Russia is cut off from most of its sources of iron and of cotton. Only the flax, hemp, wood, and lumber industries have an adequate supply of raw material.

On the other hand, such essentials of economic life as are available are being utilized to the utmost by the Soviet Government. Such trains as there are, run on time. The distribution of food is well controlled. Many industrial experts of the old régime are again managing their plants and sabotage by such managers has ceased. Loafing by the workmen during work hours has been overcome. (Appendix, p. 12.)

SOCIAL CONDITIONS.

The destructive phase of the revolution is over and all the energy of the Government is turned to constructive work. The terror has ceased. All power of judgment has been taken away from the extraordinary commission for suppression of the counter-revolution, which now merely accuses suspected counter-revolutionaries, who are tried by the regular, established, legal tribunals. Executions are extremely rare. Good order has been established. The streets are safe. Shooting has ceased. There are few robberies. Prostitution has disappeared from sight. Family life has been unchanged by the revolution, the canard in regard to "nationalization of women" notwithstanding. (Appendix, p. 13.)

The theaters, opera, and ballet are performing as in peace. Thousands of new schools have been opened in all parts of Russia and the Soviet Government seems to have done more for the education of the Russian people in a year and a half than czardom did in 50 years. (Appendix, p. 14.)

POLITICAL SITUATION.

The Soviet form of government is firmly established. Perhaps the most striking fact in Russia to-day is the general support which is given the government by the people in spite of their starvation. Indeed, the people lay the blame for their distress wholly on the blockade and on the governments which maintain it. The Soviet form

of government seems to have become to the Russian people the symbol of their revolution. Unquestionably it is a form of government which lends itself to gross abuse and tyranny but it meets the demand of the moment in Russia and it has acquired so great a hold on the imagination of the common people that the women are ready to starve and the young men to die for it. (Appendix, p. 15.)

The position of the communist party (formerly Bolsheviki) is also very strong. Blockade and intervention have caused the chief opposition parties, the right social revolutionaries and the menshiviki, to give temporary support to the communists. These opposition parties have both made formal statements against the blockade, intervention, and the support of Antisoviet governments by the allied and associated governments. Their leaders, Volsky and Martov, are most vigorous in their demands for the immediate raising of the blockade and peace. (Appendix, p. 16.)

Indeed, the only ponderable opposition to the communists to-day comes from more radical parties—the left social revolutionaries and the anarchists. These parties, in published statements, call the communists, and particularly Lenin and Tchitherin, "the paid bourgeois gendarmes of the Entente." They attack the communists because the communists have encouraged scientists, engineers, and industrial experts of the bourgeois class to take important posts under the Soviet Government at high pay. They rage against the employment of bourgeois officers in the army and against the efforts of the communists to obtain peace. They demand the immediate massacre of all the burgeoisie and an immediate declaration of war on all nonrevolutionary governments. They argue that the Entente Governments should be forced to intervene more deeply in Russia, asserting that such action would surely provoke the proletariat of all European countries to immediate revolution.

Within the communist party itself there is a distinct division of opinion in regard to foreign policy, but this disagreement has not developed personal hostility or open breach in the ranks of the party. Trotski, the generals, and many theorists believe the red army should go forward everywhere until more vigorous intervention by the Entente is provoked, which they, too, count upon to bring revolution in France and England. Their attitude is not a little colored by pride in the spirited young army. (Appendix, p. 18.) Lenin, Tchitcherin, and the bulk of the communist party, on the other hand, insist that the essential problem at present is to save the proletariat of Russia, in particular, and the proletariat of Europe, in general, from starvation, and assert that it will benefit the revolution but little to conquer all Europe if the Government of the United States replies by starving all Europe. They advocate, therefore, the conciliation of the United States even at the cost of compromising with many of the principles they hold most dear. And Lenin's prestige in Russia at present is so overwhelming that the Trotski group is forced reluctantly to follow him. (Appendix, p. 19.)

Lenin, indeed, as a practical matter, stands well to the right in the existing political life of Russia. He recognizes the undesirability, from the Socialist viewpoint, of the compromises he feels compelled to make; but he is ready to make the compromises. Among the more notable concessions he has already made are: The abandonment of his plan to nationalize the land and the adoption of the policy of dividing it among the peasants, the establishment of savings banks paying 3 per cent interest, the decision to pay all foreign debts, and the decision to give concessions if that shall prove to be necessary to obtain credit abroad. (Appendix, p. 20.)

In a word, Lenin feels compelled to retreat from his theoretical position all along the line. He is ready to meet the western Governments half way.

PEACE PROPOSALS.

Lenin seized upon the opportunity presented by my trip of investigation to make a definite statement of the position of the Soviet Government. He was opposed by Trotski and the generals, but without much difficulty got the support of the majority of the executive council, and the statement of the position of the soviet government which was handed to me was finally adopted unanimously. (Appendix, p. 22.)

My discussion of this proposal with the leaders of the Soviet Government was so detailed that I feel sure of my ground in saying that it does not represent the minimum terms of the soviet government, and that I can point out in detail wherein it may be modified without making it unacceptable to the soviet government. For example, the clause under article 5—"and to their own nationals who have been or may be prosecuted for giving help to Soviet Russia"—is certainly not of vital importance. And the clause under article 4, in regard to admission of citizens of the soviet republics of Russia into the allied and associated countries, may certainly be changed in such a way as to reserve all necessary rights to control such immigration to the allied and associated countries, and to confine it to persons who come on

legitimate and necessary business, and to exclude definitely all possibility of an influx of propagandists.

CONCLUSIONS.

The following conclusions are respectfully submitted:

1. No government save a socialist government can be set up in Russia to-day except by foreign bayonets, and any governments so set up will fall the moment such support is withdrawn. The Lenin wing of the communist party is to-day as moderate as any socialist government which can control Russia.

2. No real peace can be established in Europe or the world until peace is made with the revolution. This proposal of the Soviet Government presents an opportunity to make peace with the revolution on a just and reasonable basis—perhaps a unique opportunity.

3. If the blockade is lifted and supplies begin to be delivered regularly to soviet Russia, a more powerful hold over the Russian people will be established than that given by the blockade itself—the hold given by fear that this delivery of supplies may be stopped. Furthermore, the parties which oppose the communists in principle but are supporting them at present will be able to begin to fight against them.

4. It is, therefore, respectfully recommended that a proposal following the general lines of the suggestion of the Soviet Government should be made at the earliest possible moment, such changes being made, particularly in article 4 and article 5, as will make the proposal acceptable to conservative opinion in the allied and associated countries.

Very respectfully submitted.

WILLIAM C. BULLITT.

APPENDIX.

TRANSPORT.

Locomotives.—Before the war Russia had 22,000 locomotives. Destruction by war and ordinary wear and tear have reduced the number of locomotives in good order to 5,500. Russia is entirely cut off from supplies of spare parts and materials for repair, facilities for the manufacture of which do not exist in Russia. And the Soviet Government is able only with the greatest difficulty to keep in running order the few locomotives at its disposal.

Coal.—Soviet Russia is entirely cut off from supplies of coal. Kolchak holds the Perm mining district, although Soviet troops are now on the edge of it. Denikin still holds the larger part of the Donetz coal district and has destroyed the mines in the portion of the district which he has evacuated. As a result of this, locomotives, electrical power plants, etc., must be fed with wood, which is enormously expensive and laborious and comparatively ineffectual.

Gasoline.—There is a total lack of gasoline, due to the British occupation of Baku. The few automobiles in the cities which are kept running for vital Government business are fed with substitute mixtures, which causes them to break down with great frequency and to miss continually. Almost the entire fleet on the great inland waterway system of Russia was propelled by gasoline. As a result the Volga and the canals, which are so vital a part of Russia's system of transportation, are useless.

FOOD.

Everyone is hungry in Moscow and Petrograd, including the people's commissaries themselves. The daily ration of Lenin and the other commissaries is the same as that of a soldier in the army or of a workman at hard labor. In the hotel which is reserved for Government officials the menu is the following: Breakfast—A quarter to half a pound of black bread, which must last all day, and tea without sugar. Dinner—A good soup, a small piece of fish, for which occasionally a diminutive piece of meat is substituted, a vegetable, either a potato or a bit of cabbage, more tea without sugar. Supper—What remains of the morning ration of bread and more tea without sugar.

Occasionally sugar, butter, and chickens slip through from the Ukraine and are sold secretly at atrocious prices—butter, for example, at 140 roubles a pound. Whenever the Government is able to get its hands on any such "luxuries" it turns them over to the schools, where an attempt is made to give every child a good dinner every day.

The food situation has been slightly improved by the rejoining of Ukraine to Great Russia, for food is relatively plentiful in the south; but no great improvement in the situation is possible because of the lack of transport.

MANAGEMENT.

Such supplies as are available in Soviet Russia are being utilized with considerable skill. For example, in spite of the necessity of firing with wood, the Moscow-Petrograd express keeps up to its schedule, and on both occasions when I made the trip it took but 13 hours, compared to the 12 hours of prewar days.

The food control works well, so that there is no abundance alongside of famine. Powerful and weak alike endure about the same degree of starvation.

The Soviet government has made great efforts to persuade industrial managers and technical experts of the old régime to enter its service. Many very prominent men have done so. And the Soviet Government pays them as high as $45,000 a year for their services, although Lenin gets but $1,800 a year. This very anomalous situation arises from the principle that any believing communist must adhere to the scale of wages established by the government, but if the government considers it necessary to have the assistance of any anticommunist, it is permitted to pay him as much as he demands.

All meetings of workmen during work hours have been prohibited, with the result that the loafing which was so fatal during the Kerensky régime has been overcome and discipline has been restored in the factories as in the army.

SOCIAL CONDITIONS.

Terror.—The red terror is over. During the period of its power the extraordinary commission for the suppression of the counter revolution, which was the instrument of the terror, executed about 1,500 persons in Petrograd, 500 in Moscow, and 3,000 in the remainder of the country—5,000 in all Russia. These figures agree with those which were brought back from Russia by Maj. Wardwell, and inasmuch as I have checked them from Soviet, anti-Soviet, and neutral sources I believe them to be approximately correct. It is worthy of note in this connection that in the white terror in southern Finland alone, according to official figures, Gen. Mannerheim executed without trial 12,000 working men and women.

Order.—One feels as safe in the streets of Petrograd and Moscow as in the streets of Paris or New York. On the other hand, the streets of these cities are dismal, because of the closing of retail shops whose functions are now concentrated in a few large nationalized "department stores." Petrograd, furthermore, has been deserted by half its population; but Moscow teems with twice the number of inhabitants it contained before the war. The only noticeable difference in the theaters, opera, and ballet is that they are now run under the direction of the department of education, which prefers classics and sees to it that working men and women and children are given an opportunity to attend the performances and that they are instructed beforehand in the significance and beauties of the productions.

Morals.—Prostitutes have disappeared from sight, the economic reasons for their career having ceased to exist. Family life has been absolutely unchanged by the revolution. I have never heard more genuinely mirthful laughter than when I told Lenin, Tchitcherin, and Litvinov that much of the world believed that women had been "nationalized." This lie is so wildly fantastic that they will not even take the trouble to deny it. Respect for womanhood was never greater than in Russia to-day. Indeed, the day I reached Petrograd was a holiday in honor of wives and mothers.

Education.—The achievements of the department of education under Lunacharsky have been very great. Not only have all the Russian classics been reprinted in editions of three and five million copies and sold at a low price to the people, but thousands of new schools for men, women, and children have been opened in all parts of Russia. Furthermore, workingmen's and soldiers' clubs have been organized in many of the palaces of yesteryear, where the people are instructed by means of moving pictures and lectures. In the art galleries one meets classes of working men and women being instructed in the beauties of the pictures. The children's schools have been entirely reorganized, and an attempt is being made to give every child a good dinner at school every day. Furthermore, very remarkable schools have been opened for defective and overnervous children. On the theory that genius and insanity are closely allied, these children are taught from the first to compose music, paint pictures, sculpt and write poetry, and it is asserted that some very valuable results have been achieved, not only in the way of productions but also in the way of restoring the nervous systems of the children.

MORALE.

The belief of the convinced communists in their cause is almost religious. Never in any religious service have I seen higher emotional unity than prevailed at the meeting of the Petrograd Soviet in celebration of the foundation of the Third Socialist

Internationale. The remark of one young man to me when I questioned him in regard to his starved appearance is characteristic. He replied very simply: "I am ready to give another year of starvation to our revolution."

STATEMENTS OF LEADERS OF OPPOSITION PARTIES.

The following statement was made to me by Volsky, leader of the right social revolutionaries, the largest opposition party:

"Intervention of any kind will prolong the régime of the Bolsheviki by compelling us, like all honorable Russians, to drop opposition and rally round the soviet government in defense of the revolution. With regard to help to individual groups or governments fighting against soviet Russia, we see no difference between such intervention and the sending of troops. If the allies come to an agreement with the soviet government, sooner or later the peasant masses will make their will felt and they are alike against the bourgeoisie and the Bolsheviki.

"If by any chance Kolchak and Denikin were to win, they would have to kill in tens of thousands where the Bolsheviki have had to kill in hundreds and the result would be the complete ruin and collapse of Russia into anarchy. Has not the Ukraine been enough to teach the allies that occupation by non-Bolshevik troops merely turns into Bolsheviki those of the population who were not Bolsheviki before? It is clear to us that the Bolsheviki are really fighting against bourgeois dictatorship. We are, therefore, prepared to help them in every possible way.

"Grandmother Ekaterina Constantinovna Breshkovskaya has no sort of authority, either from the assembly of members of the all Russian constituent assembly or from the party of social revolutionaries. Her utterances in America, if she is preaching intervention, represent her personal opinions which are categorically repudiated by the party of social revolutionaries, which has decisively expressed itself against the permissibility of intervention, direct or indirect."

Volsky signed this latter statement: "V. Volsky, late president of the assembly of members of the all Russian constituent assembly."

Martov, leader of the Menshiviki, stated: "The Menshiviki are against every form of intervention, direct or indirect, because by providing the incentive to militarization it is bound to emphasize the least desirable qualities of the revolution. Further, the needs of the army overwhelm all efforts at meeting the needs of social and economic reconstruction. Agreement with the soviet government would lessen the tension of defense and would unmuzzle the opposition, who, while the soviet government is attacked, are prepared to help in its defense, while reserving until peace their efforts to alter the Bolshevik régime.

"The forces that would support intervention must be dominated by those of extreme reaction because all but the reactionaries are prepared temporarily to sink their differences with the Bolsheviki in order to defend the revolution as a whole."

Martov finally expressed himself as convinced that, given peace, life itself and the needs of the country will bring about the changes he desires.

ARMY.

The soviet army now numbers between 1,000,000 and 1,200,000 troops of the line. Nearly all these soldiers are young men between the ages of 17 and 27. The morale of regiments varies greatly. The convinced communists, who compose the bulk of the army, fight with crusading enthusiasm. Other regiments, composed of patriots but noncommunists, are less spirited; other regiments composed of men who have entered the army for the slightly higher bread ration are distinctly untrustworthy. Great numbers of officers of the old army are occupying important executive posts in the administration of the new army, but are under control of convinced communist supervisors. Nearly all the lower grade officers of the army are workmen who have displayed courage in the ranks and have been trained in special officer schools. Discipline has been restored and on the whole the spirit of the army appears to be very high, particularly since its recent successes. The soldiers no longer have the beaten dog-like look which distinguished them under the Czar but carry themselves like freemen and curiously like Americans. They are popular with the people.

I witnessed a review of 15,000 troops in Petrograd. The men marched well and their equipment of shoes, uniforms, rifles, and machine guns and light artillery was excellent. On the other hand they have no big guns, no aeroplanes, no gas shells, no liquid fire, nor indeed, any of the more refined instruments of destruction.

The testimony was universal that recruiting for the army is easiest in the districts which having once lived under the soviet were over run by anti-soviet forces and then reoccupied by the Red Army.

Trotsky is enormously proud of the army he has created, but it is noteworthy that even he is ready to disband the army at once if peace can be obtained in order that all the brains and energy it contains may be turned to restoring the normal life of the country.

LENIN'S PRESTIGE.

The hold which Lenin has gained on the imagination of the Russian people makes his position almost that of a dictator. There is already a Lenin legend. He is regarded as almost a prophet. His picture, usually accompanied by that of Karl Marx, hangs everywhere. In Russia one never hears Lenin and Trotski spoken of in the same breath as is usual in the western world. Lenin is regarded as in a class by himself. Trotski is but one of the lower order of mortals.

When I called on Lenin at the Kremlin I had to wait a few minutes until a delegation of peasants left his room. They had heard in their village that Comrade Lenin was hungry. And they had come hundreds of miles carrying 800 poods of bread as the gift of the village to Lenin. Just before them was another delegation of peasants to whom the report had come that Comrade Lenin was working in an unheated room. They came bearing a stove and enough firewood to heat it for three months. Lenin is the only leader who receives such gifts. And he turns them into the common fund.

Face to face Lenin is a very striking man—straightforward and direct, but also genial and with a large humor and serenity.

CONCESSIONS.

The soviet government recognizes very clearly the undesirability of granting concessions to foreigners and is ready to do so only because of necessity. The members of the Government realize that the lifting of the blockade will be illusory unless the soviet government is able to establish credits in foreign countries, particularly the United States and England, so that goods may be bought in those countries. For Russia to-day is in a position to export only a little gold, a little platinum, a little hemp, flax, and wood. These exports will be utterly inadequate to pay for the vast quantity of imports which Russia needs. Russia must, therefore, obtain credit at any price. The members of the soviet government realize fully that as a preliminary step to the obtaining of credit the payment of foreign debts must be resumed and, therefore, are ready to pay such debts. But even though these debts are paid the members of the soviet government believe that they will not be able to borrow money in foreign countries on any mere promise to pay. They believe, therefore, that they will have to grant concessions in Russia to foreigners in order to obtain immediate credit. They desire to avoid this expedient if in any way it shall be possible, but if absolutely necessary they are ready to adopt it in order to begin the restoration of the normal life of the country.

TEXT OF PROJECTED PEACE PROPOSAL BY THE ALLIED AND ASSOCIATED GOVERNMENTS.

The allied and associated Governments propose that hostilities shall cease on all fronts in the territory of the former Russian Empire and Finland on ———[1] and that no new hostilities shall begin after this date, pending a conference to be held at ———[2] on ———.[3]

The duration of the armistice to be for two weeks, unless extended by mutual consent, and all parties to the armistice to undertake not to employ the period of the armistice to transfer troops and war material to the territory of the former Russian Empire.

The conference to discuss peace on the basis of the following principles, which shall not be subject to revision by the conference:

1. All existing de facto governments which have been set up on the territory of the former Russian Empire and Finland to remain in full control of the territories which they occupy at the moment when the armistice becomes effective, except insofar as the conference may agree upon the transfer of territories; until the peoples inhabiting the territories controlled by these de facto governments shall themselves determine to change their governments. The Russian soviet government, the other soviet

[1] The date of the armistice to be set at least a week after the date when the allied and associated governments make this proposal.

[2] The soviet government greatly prefers that the conference should be held in a neutral country and also that either a radio or a direct telegraph wire to Moscow should be put at its disposal.

[3] The conference to begin not later than a week after the armistice takes effect and the soviet government greatly prefers that the period between the date of the armistice and the first meeting of the conference should be only three days, if possible.

governments, and all other governments which have been set up on the territory of the former Russian Empire, the allied and associated governments, and the other governments which are operating against the soviet governments, including Finland, Poland, Galicia, Roumania, Armenia, Azerbaidjan, and Afganistan, to agree not to attempt to upset by force the existing de facto governments which have been set up on the territory of the former Russian Empire and other Governments signatory to this agreement.[1]

2. The economic blockade to be raised and trade relations between soviet Russia and the allied and associated countries to be reestablished under conditions which will insure that supplies from the allied and associated countries are made available on equal terms to all classes of the Russian people.

3. The soviet governments of Russia to have the right of unhindered transit on all railways and the use of all ports which belinged to the former Russian Empire and to Finland and are necessary for the disembarkation and transportation of passengers and goods between their territories and the sea; detailed arrangements for the carrying out of the provision to be agreed upon at the conference.

4. The citizens of the soviet republics of Russia to have the right of free entry into the allied and associated countries as well as into all countries which have been formed on the territory of the former Russian Empire and Finland; also the right of sojourn and of circulation and full security, provided they do not interfere in the domestic politics of those countries.[2]

Nationals of the allied and associated countries and of the other countries above named to have the right of free entry into the soviet republics of Russia; also the right of sojourn and of circulation and full security, provided they do not interfere in the domestic politics of the soviet republics.

The allied and associated governments and other Governments which have been set up on the territory of the former Russian Empire and Finland to have the right to send official representatives enjoying full liberty and immunity into the various Russian soviet republics. The soviet governments of Russia to have the right to send official representatives enjoying full liberty and immunity into all the allied and associated countries and into the nonsovient countries which have been formed on the territory of the former Russian Empire and Finland.

5. The soviet governments, and other governments which have been set up on the territory of the former Russian Empire and Finland, to give a general amnesty to all political opponents, offenders, and prisoners. The allied and associated governments to gove a general amnesty to all Russian political opponents, offenders and prisoners, and to their own nationals who have been or may be prosecuted for giving help to soviet Russia. All Russians who have fought in, or otherwise aided the armies opposed to the soviet governments, and those opposed to the other governments which have been set up on the territory of the former Russian Empire and Finland to be included in this amnesty.

All prisoners of war of non-Russian powers detained in Russia, likewise all nationals of those powers now in Russia to be given full facilities for repatriation. The Russian prisoners of war in whatever foreign country they may be, likewise all Russian nationals, including the Russian soldiers and officers abroad and those serving in all foreign armies to be given full facilities for repatriation.

6. Immediately after the signing of this agreement all troops of the allied and associated Governments and other non-Russian Governments to be withdrawn from Russia and military assistance to cease to be given to antisoviet governments which have been set up on the territory of the former Russian Empire.

The soviet governments and the antisoviet Governments which have been set up on the territory of the former Russian Empire and Finland to begin to reduce their armies simultaneously, and at the same rate, to a peace footing immediately after the signing of this agreement. The conference to determine the most effective and just method of inspecting and controlling this simultaneous demobilization and also the withdrawal of the troops and the cessation of military assistance to the antisoviet governments.

7. The allied and associated governments, taking cognizance of the statement of the Soviet Government of Russia, in its note of February 4, in regard to its foreign debts, propose as an integral part of this agreement that the soviet governments and the other governments which have been set up on the territory of the former Russian Empire and Finland shall recognize their responsibility for the financial obligations of

[1] The allied and associated governments to undertake to see to it that the de facto governments of Germany do not attempt to upset by force the de facto governments of Russia. The de facto governments which have been set up on the territory of the former Russia Empire to undertake not to attempt to upset by force the de facto governments of Germany.

[2] It is considered essential by the soviet government that the allied and associated governments should see to it that Poland and all neutral countries extend the same rights as the allied and associated countries.

the former Russian Empire, to foreign States, parties to this agreement, and to the nationals of such States. Detailed arrangements for the payment of these debts to be agreed upon at the conference, regard being had to the present financial position of Russia. The Russian gold seized by the Czecho-Slovako in Kazan or taken from Germany by the allies to be regarded as partial payment of the portions of the debt due from the soviet republics of Russia.

The soviet government of Russia undertakes to accept the foregoing proposal provided it is made not later than April 10, 1919.

Senator KNOX. To whom did you hand that report?

Mr. BULLITT. I handed copies of this personally to Secretary Lansing, Col. House, Gen. Bliss and Mr. Henry White, and I handed a second copy, for the President, to Mr. Lansing. Secretary Lansing wrote on it, "Urgent and immediate;" put it in an envelop, and I took it up to the President's house.

Senator KNOX. At the same time that you handed in this report, did you hand them the proposal of the Soviet Government?

Mr. BULLITT. The proposal of the Soviet Government is appended to this report.

Senator KNOX. It is a part of the report?

Mr. BULLITT. It is a part of the report which I have already read. There comes first an appendix explaining the statements which I have just read, and giving the evidence I have for them.

Senator KNOX. Was there any formal meeting of the peace conference, or of representatives of the great powers, to act upon this suggestion and upon your report?

Mr. BULLITT. It was acted upon in a very lengthy, long-drawn-out manner.

Immediately on my return I was first asked to appear before the American Commission. First, the night I got back I had a couple of hours with Col. House, in which I went over the whole matter. Col. House was entirely and quite decidedly in favor of making peace, if possible, on the basis of this proposal.

The next morning I was called before the other Commissioners, and I talked with Mr. Lansing, Gen. Bliss, and Mr. Henry White all the morning and most of the afternoon. We had a long discussion, at the end of which it was the sense of the commissioners' meeting that it was highly desirable to attempt to bring about peace on this basis.

The next morning I had breakfast with Mr. Lloyd-George at his apartment, Gen. Smuts and Sir Maurice Hankey and Mr. Philip Kerr were also present, and we discussed the matter at considerable length. I brought Mr. Lloyd-George the official text of the proposal, the same official one, in that same envelop, which I have just shown to you. He had previously read it, it having been telegraphed from Helsingfors. As he had previously read it, he merely glanced over it and said, "That is the same one I have already read, and he handed it to Gen. Smuts, who was across the table, and said, "General, this is of the utmost importance and interest, and you ought to read it right away." Gen. Smuts read it immediately, and said he thought it should not be allowed to lapse; that it was of the utmost importance. Mr. Lloyd-George, however, said that he did not know what he could do with British public opinion. He had a copy of the Daily Mail in his hand, and he said, "As long as the British press is doing this kind of thing how can you expect me to be sensible about Russia?" The Daily Mail was roaring and screaming about the whole Russian situation. Then Mr. Lloyd-George said, "Of course

all the reports we get from people we send in there are in this same general direction, but we have got to send in somebody who is known to the whole world as a complete conservative, in order to have the whole world believe that the report he brings out is not simply the utterance of a radical." He then said, "I wonder if we could get Lansdowne to go?" Then he immediately corrected himself and said, "No; it would probably kill him." Then he said, "I wish I could send Bob Cecil, but we have got to keep him for the league of nations." And he said to Smuts, "It would be splendid if you could go, but, of course, you have got the other job," which was going down to Hungary. Afterwards he said he thought the most desirable man to send was the Marquis of Salisbury, Lord Robert Cecil's brother; that he would be respectable enough and well known enough so that when he came back and made the same report it would go down with British public opinion. Mr. Lloyd-George then urged me to make public my report. He said it was absolutely necessary to have publicity given to the actual conditions in Russia, which he recognized were as presented.

I saw Mr. Balfour that afternoon with Sir Eric Drummond, who at that time was acting as his secretary. He is now secretary of the league of nations. We discussed the entire matter. Sir William Wiseman told me afterward that Mr. Balfour was thoroughly in favor of the proposition.

Well, to cut the story short, first the President referred the matter to Col. House. He left his decision on the matter with Col. House, as was his usual course of procedure in most such matters. Mr. Lloyd-George also agreed in advance to leave the preparation of the proposal to Col. House; that is, he said he would be disposed to go at least as far as we would and would follow the lead of the President and Col. House. Col. House thereupon asked me to prepare a reply to this proposal, which I did.

Col. House in the meantime had seen Mr. Orlando, and Mr. Orlando had expressed himself as entirely in favor of making peace on this basis, at least so Col. House informed me at the time. The French, I believe, had not yet been approached formally on the matter.

Senator KNOX. By the way, right here, you say Mr. Lloyd-George advised you to make your report public. Did you make it public?

Mr. BULLITT. No, sir. Mr. Lloyd-George desired me to make it public for the enlightenment that he thought it might give to public opinion.

Senator KNOX. But you did not do it?

Mr. BULLITT. I attempted to. I prepared a statement for the press based on my report, giving the facts, which I submitted to the commission to be given out. No member of the commission was ready to take the responsibility for publicity in the matter and it was referred to the President. The President received it and decided that he did not want it given out. He thought he would rather keep it secret, and in spite of the urgings of the other commissioners he continued to adhere to that point of view, and my report has never been made public until this moment.

Col. House asked me to prepare a declaration of policy, a statement based on this proposal of the soviet government. It was to be an ironclad declaration which we knew in advance would be accepted by the soviet government if we made it, and he thought that the President and Mr. Lloyd-George would put it through.

Senator BRANDEGEE. Did you attend that meeting of the commission when that report was considered by the American Commission?

Mr. BULLITT. I first handed each member of the commission my report. I had appeared before them and discussed my mission for an entire day. They sat in the morning and in the afternoon.

Senator BRANDEGEE. I wondered whether you were present when the President thought it would be better not to give it out, not to make it public.

Mr. BULLITT. No, sir; I was not. Then upon order of Col. House to whom the matter had been referred, I prepared this declaration of policy. I prepared it in conjunction with Mr. Whitney Shepherdson, who was Col. House's assistant secretary, and also versed in international law. I do not know that this is of any importance, aside from the fact that it is almost the only direct proposition to accept their proposal which was prepared. Col. House took this and held it under advisement and discussed it, I believe, with the President and other persons.

The CHAIRMAN. It had better be printed.

The document referred to is as follows:

BULLITT EXHIBIT NO. 19.

A DECLARATION OF POLICY ISSUED IN THE NAME OF THE ASSOCIATED GOVERNMENTS AND AN OFFER OF AN ARMISTICE.

The representatives of the States assembled in conference at Paris recently extended an invitation to the organized groups in Russia to lay down their arms and to send delegates to Prince's Island. These delegates were asked to "confer with the representatives of the associated powers in the freest and frankest way, with a view to ascertaining the wishes of all sections of the Russian people and bringing about, if possible, some understanding and agreement by which Russia may work out her own purposes and happy cooperative relations may be established between her people and the other peoples of the world." The truce of arms was not declared, and the meeting did not take place.

The people of Russia are laboring to-day to establish the system of government under which they shall live. Their task is one of unparalleled difficulty, and should not be further complicated by the existence of misapprehensions among the Russian people or throughout the world. Therefore, the representatives of the associated powers, now sitting in the conference of Paris, have determined to state publicly what they had in mind to say through their delegates to Prince's Island concerning the policies which govern their relations with the Russian people.

They wish to make it plain that they do not intend to interfere in any way with the solution of the political, social, or economic problems of Russia. They believe that the peace of the world will largely depend upon a right settlement of these matters; but they equally recognize that any right settlement must proceed from the Russian people themselves, unembarrassed by influence or direction from without. On the other hand, the associated powers desired to have it clearly understood that they can have no dealings with any Russian Government which shall invade the territory of its neighbors or seek to impose its will upon other peoples by force. The full authority and military power of the associated governments will stand in the way of any such attempt.

The task of creating a stable government demands all the great strength of Russia, healed of the famine, misery, and disease which attend and delay the reconstruction. The associated powers have solemnly pledged their resources to relieve the stricken regions of Europe. Their efforts, begun in Belgium and in northern France during the course of the war, now extend to exhausted peoples from Finland to the Dalmatian coast. Ports long idle are busy again. Trainloads of food are moved into the interior and there are distributed with an impartial hand. Industry is awakened, and life is resumed at the point where it was broken off by war. These measures of relief will be continued until peace is signed and until nations are once more able to provide for their needs through the normal channels of commerce.

It is the earnest desire of the associated peoples similarly to assuage the distress of millions of men and women in Russia and to provide them with such physical conditions as will make life possible and desirable. Relief can not be effectively rendered, however, except by the employment of all available transportation facilities and the active cooperation of those exercising authority within the country. These requisites can not be assured while Russia is still at war.

The allied and associated governments, therefore, propose an agreement between themselves and all governments now exercising political authority within the territory of the former Russian Empire, including Finland, together with Poland, Galicia, Roumania, Armenia, Azerbaidjan, and Afghanistan, that hostilities against one another shall cease on all fronts within these territories on April ——— at noon; that fresh hostilities shall not be begun during the period of this armistice, and that no troops or war material of any kind whatever shall be transferred to or within these territories so long as the armistice shall continue. The duration of the armistice shall be for two weeks, unless extended by mutual consent.

The allied and associated Governments propose that such of these Governments as are willing to accept the terms of this armistice shall send not more than three representatives each, together with necessary technical experts, to ——— where they shall meet on April ——— with representatives of the allied and associated Governments in conference to discuss peace, upon the basis of the following principles:

(1) All signatory Governments shall remain, as against each other, in full control of the territories which they occupy at the moment when the armistice becomes effective; subject only to such rectifications as may be agreed upon by the conference, or until the peoples inhabiting these territories shall themselves voluntarily determine to change their Government.

(2) The right of free entry, sojourn, circulation, and full security shall be accorded by the several signatories to the citizens of each other; provided, however, that such persons comply with the laws of the country to which they seek admittance, and provided also that they do not interfere or attempt to interfere in any way with the domestic politics of that country.

(3) The right to send official representatives enjoying full liberty and immunity shall be accorded by the several signatories to each other.

(4) A general amnesty shall be granted by the various signatories to all political or military opponents, offenders, and prisoners who are so regarded because of their association or affiliation with another signatory, provided that they have not otherwise violated the laws of the land.

(5) Nationals of one signatory residing or detained in the country of another shall be given all possible facilities for repatriation.

(6) The allied and associated Governments shall immediately withdraw their armed forces and further military support from the territory of the former Russian Empire, including Finland, and the various Governments within that territory shall effect a simultaneous reduction of armed forces according to a scheme of demobilization and control to be agreed upon by the conference.

(7) Any economic blockade imposed by one signatory as against another shall be lifted and trade relations shall be established, subject to a program of equitable distribution of supplies and utilization of transport facilities to be agreed upon by the conference.

(8) Provision shall be made by the conference for a mutual exchange of transit and port privilege among the several singatories.

(9) The conference shall be competent to discuss and determine any other matter which bears upon the problem of establishing peace within the territory of the former Russian Empire, including Finland, and the reestablishment of international relations among the signatories.

NOTE.—If it is desirable to include a specific reference to Russia's financial obligations, the following clause (8 bis) would be acceptable to the soviet government at least: "The governments which have been set up on the territory of the former Russian Empire and Finland shall recognize their responsibility for the financial obligations of the former Russian Empire to foreign States parties to this agreement and to the nationals of such States. Detailed arrangements for discharging these obligations shall be agreed upon by the conference, regard being had to the present financial situation of Russia."

Senator BRANDEGEE. Was this brought to the attention of the President?

Mr. BULLITT. The first night after I got in Col. House went to the telephone and called up the President right away and told him that I was in, and that he thought this was a matter of the utmost impor-

tance, and that it would seem to be an opportunity to make peace in a section of the world where there was no peace; in fact, where there were 23 wars. The President said he would see me the next evening down at Col. House's office, as I remember it. The next evening, however, the President had a headache and he did not come. The following afternoon Col. House said to me that he had seen the President and the President had said he had a one-track mind and was occupied with Germany at present, and he could not think about Russia, and that he had left the Russian matter all to him, Col. House. Therefore I continued to deal with Col. House directly on it inasmuch as he was the delegate of the President, and Lloyd-George, in the matter. I used to see Col. House every day, indeed two or three times a day, on the subject, urging him to obtain action before April 10, which, as you will recall, was the date when this proposal was to expire.

Meanwhile Mr. Hoover and Mr. Auchincloss had the idea of approaching peace with Russia by a feeding proposition, and they had approached Mr. Fridjof Nansen, the Arctic explorer, and got him to write and send the following letter to the President. You doubtless have seen his letter to the President.

(The letter referred to is printed in full, as follows:)

BULLITT EXHIBIT No. 20.

PARIS, *April 3, 1919.*

MY DEAR MR. PRESIDENT: The present food situation in Russia, where hundreds of thousands of people are dying monthly from sheer starvation and disease, is one of the problems now uppermost in all men's minds. As it appears that no solution of this food and disease question has so far been reached in any direction, I would like to make a suggestion from a neutral point of view for the alleviation of this gigantic misery on purely humanitarian grounds.

It would appear to me possible to organize a purely humanitarian commission for the provisioning of Russia, the foodstuffs and medical supplies to be paid for, perhaps, to some considerable extent by Russia itself, the justice of distribution to be guaranteed by such a commission, the membership of the commission to be comprised of Norwegian, Swedish, and possibly Dutch, Danish, and Swiss nationalities. It does not appear that the existing authorities in Russia would refuse the intervention of such a commission of wholly nonpolitical order, devoted solely to the humanitarian purpose of saving life. If thus organized upon the lines of the Belgian Relief Commission, it would raise no question of political recognition or negotiations between the Allies with the existing authorities in Russia.

I recognize keenly the large political issues involved, and I would be glad to know under what conditions you would approve such an enterprise and whether such commission could look for actual support in finance, shipping, and food and medical supplies from the United States Government.

I am addressing a similar note to Messrs. Orlando, Clemenceau, and Lloyd-George. Believe me, my dear Mr. President,

Yours, most respectfully,

FRIDJOF NANSEN.

His Excellency the PRESIDENT,
11 Place des Etats-Unis, Paris.

Senator KNOX. I think that was published in nearly all the papers.

Mr. BULLITT. Yes. In it he proposed that a commission should be formed at once for the feeding of Russia, because of the frightful conditions of starvation and so on. Col. House decided that it would be an easier way to peace if we could get there via the feeding plan, under the guise of a purely humanitarian plan, if we could slide in that way instead of by a direct, outright statement inviting these people to sit down and make peace. Therefore he asked me to prepare a reply to the Nansen letter, which I have here.

(The letter referred to is here printed in full, as follows:)

BULLITT EXHIBIT No. 21.

PARIS, FRANCE, *April 4, 1919.*

Suggested reply to Dr. Nansen by the President of the United States and the premiers of France, Great Britain, and Italy:

DEAR DR. NANSEN: It is the earnest desire of the allied and associated Governments, and of the peoples for whom they speak, to assuage the distress of the millions of men, women, and children who are suffering in Russia. The associated powers have solemnly pledged their resources to relieve the stricken regions of Europe. Their efforts, begun in Belgium and in Northern France during the course of the war, now extend to exhausted peoples from Finland to the Dalmatian coast. Ports long idle are busy again. Trainloads of food are moved into the interior and there are distributed with an impartial hand. Industry is awakened, and life is resumed at the point where it was broken off by war. These measures of relief will be continued until nations are once more able to provide for their needs through the normal channels of commerce.

The associated peoples desire and deem it their duty similarly to assist in relieving the people of Russia from the misery, famine, and disease which oppress them. In view of the responsibilities which have already been undertaken by the associated Governments they welcome the suggestion that the neutral States should take the intiative in the matter of Russian relief and, therefore, are prepared to state in accordance with your request, the conditions under which they will approve and assist a neutral commission for the provisioning of Russia.

The allied and associated Governments and all Governments now exercising political authority within the territory of the former Russian Empire, including Finland, together with Poland, Galicia, Roumania, Armenia, Azerbaidjan, and Afghanistan, shall agree that hostilities against one another shall cease on all fronts within these territories on April 20 at noon; that fresh hostilities shall not be begun during the period of this armistice, and that no troops or war material of any kind whatever shall be transferred to or within these territories so long as the armistice shall continue. The duration of the armistice shall be for two weeks unless extended by mutual consent.

The allied and associated Governments propose that such of these Governments as are willing to accept the terms of this armistice, shall send not more than three representatives each, together with necessary technical experts, to Christiania, where they shall meet on April 25 with representatives of the allied and associated Governments in conference to discuss peace and the provisioning of Russia, upon the basis of the following principles:

1. All signatory Governments shall remain, as against each other, in full control of the territories which they occupy at the moment when the armistice becomes effective, subject to such rectifications as may be agreed upon by the conference, or until the peoples inhabiting these territories shall themselves voluntarily determine to change their government.

2. The right of free entry, sojourn, circulation, and full security shall be accorded by the several signatories to the citizens of each other; provided, however, that such persons comply with the laws of the country to which they seek admittance, and provided also that they do not interfere or attempt to interfere in any way with the domestic politics of that country.

3. The right to send official representatives enjoying full liberty and immunity shall be accorded by the several signatories to one another.

4. A general amnesty shall be granted by the various signatories to all political or military opponents, offenders, and prisoners who are so treated because of their association or affiliation with another signatory, provided that they have not otherwise violated the laws of the land.

5. Nationals of one signatory residing or detained in the country of another shall be given all possible facilities for repatriation.

6. The allied and associated Governments will immediately withdraw their armed forces and further military support from the territory of the former Russian Empire, including Finland and the various Governments within that territory shall effect a simultaneous reduction of armed forces according to a scheme of demobilization and control to be agreed upon by the conference.

7. Any economic blockade imposed by one signatory as against another shall be lifted and trade relations shall be established, subject to a program of equitable distribution of supplies and utilization of transport facilities to be agreed upon by the conference in consultation with representatives of those neutral States which are prepared to assume the responsibility for the provisioning of Russia.

8. Provision shall be made by the conference for a mutual exchange of transit and port privileges among the several signatories.

9. The Governments which have been set up on the territory of the former Russian Empire and Finland shall recognize their responsibility for the financial obligations of the former Russian Empire to foreign States parties to this agreement and to the nationals of such States. Detailed arrangements for discharging these obligations shall be agreed upon by the conference, regard being had to the present financial situation of Russia.

10. The conference shall be competent to discuss and determine any other matter which bears upon the provisioning of Russia, the problem of establishing peace within the territory of the former Russian Empire, including Finland, and the reestablishment of international relations among the signatories.

Mr. BULLITT. I also prepared at the orders of Col. House——

Senator KNOX. What attitude did you take toward the Nansen proposal?

Mr. BULLITT. At first I opposed it. I was in favor of the original plan.

Senator KNOX. You were in favor of the original plan?

Mr. BULLITT. I was in favor of direct, straightforward action in the matter. However, I found that there was no use in kicking against the pricks, that I was unable to persuade the commission that my point of view was the correct one. Therefore at the request of Col. House I wrote out a reply to Dr. Nansen, in which I embodied a peace proposal so that it would have meant a peace conference via Nansen, which was what was desired.

Senator BRANDEGEE. Was that letter delivered to Nansen?

Mr. BULLITT. No. I gave this reply of mine to Col. House. Col. House read it and said he would approve it, but that before he gave it to the President and to Lloyd-George as his solution of the way to deal with this Russian matter, he wished it considered by his international law experts, Mr. Auchincloss and Mr. Miller, and it was thereupon turned over that afternoon to Mr. Auchincloss and Mr. Miller. Does the Senator desire this document?

Senator KNOX. I do not regard it as material. It was not accepted?

Mr. BULLITT. It was not accepted. What happened in regard to this was that Mr. Auchincloss and Mr. Miller, to correct its legal language, produced a proposition which was entirely different, which left out all possibility of the matter coming to a peace conference, and was largely an offer to feed Russia provided Russia put all her railroads in the hands of the allied and associated Governments. I have that as well.

Senator BRANDEGEE. Do you object to having that put in the record, Senator Knox?

Senator KNOX. No.

Senator BRANDEGEE. I would like to have that put in.

(The document referred to is here printed in full, as follows:)

BULLITT EXHIBIT No. 22.

(Auchincloss-Miller proposal.)

Draft of proposed letter to be signed by President Wilson and the prime ministers of Great Britain, France, and Italy in reply to Mr. Nansen's letter:

DEAR SIR: The situation of misery and suffering in Russia which is described in your letter of April 3 is one which appeals to the sympathies of all peoples of the world. Regardless of political differences or shades of thought, the knowledge that thousands and perhaps millions of men, and above all of women and children lack the food and the necessities which make life endurable is one which is shocking to humanity.

The Governments and the peoples whom we represent, without thought of political, military or financial advantage, would be glad to cooperate in any proposal which

would relieve the existing situation in Russia. It seems to us that such a commission as you propose, purely humanitarian in its purpose, would offer a practical means of carrying out the beneficient results which you have in view and could not either in its conception or its operation be considered as having in view any other aim than "the humanitarian purpose of saving life."

It is true that there are great difficulties to be overcome, political difficulties owing to the existing situation in Russia, and difficulties of supply and transport. But if the existing de facto governments of Russia are all willing as the Governments and peoples whom we represent to see succor and relief given to the stricken peoples of Russia, no political difficulties will remain as obstacles thereto.

There will remain, however, the difficulties of supply and transport which we have mentioned and also the problem of distribution in Russia itself. The problem of supply we can ourselves safely hope to solve in connection with the advice and cooperation of such a commission as you propose. The problem of transport of supplies to Russia we can hope to meet with the assistance of your own and other neutral Governments.

The difficulties of transport in Russia can in large degree only be overcome in Russia itself. So far as possible, we would endeavor to provide increased means of transportation; but we would consider it essential in any such scheme of relief that control of transportation in Russia, so far as was necessary in the distribution of relief supplies, should be placed wholly under a such commission as is described in your letter and should to the necessary extent be freed from any governmental or private control whatsoever.

The real human element in the situation, even supposing all these difficulties to be surmounted, is the problem of distribution, the problem of seeing that the food reaches the starving, the medicines the sick, the clothing the naked. Subject to the supervision of such a commission, this is a problem which should be solely under the control of the people of Russia themselves so far as it is humanly possible to put it under their control. It is not a question of class or of race or of politics but a question of human beings in need, and these human beings in each locality should be given, as under the régime of the Belgian relief commission, the fullest opportunity to advise the commission upon the methods and the personnel by which their community is to be relieved. Under no other circumstances could it be believed that the purpose of this relief was humanitarian and not political, and still more important, under no other conditions could it be certain that the hungry would be fed. That such a course would involve cessation of hostilities by Russian troops would of course mean a cessation of all hostilities on the Russian fronts. Indeed, relief to Russia which did not mean a return to a state of peace would be futile, and would be impossible to consider.

Under such conditions as we have outlined, we believe that your plan could be successfully carried into effect and we should be prepared to give it our full support.

Senator KNOX. What I am anxious to get at is to find out what became of your report.

Senator FALL. I should like to know whether Col. House approved Mr. Auchincloss's and Mr. Miller's report, or the report of the witness.

Mr. BULLITT. I should like to have this clear, and if I can read just this one page I shall be greatly obliged. On this proposition I wrote the following memorandum to Mr. Auchincloss [reading]:

BULLITT EXHIBIT No. 23.

APRIL 4, 1919.

Memorandum for Mr. Auchincloss:

DEAR GORDON: I have studied carefully the draft of the reply to Dr. Nansen which you have prepared. In spirit and substance your letter differs so radically from the reply which I consider essential that I find it difficult to make any constructive criticism. And I shall refrain from criticizing your rhetoric.

There are two proposals in your letter, however, which are obviously unfair and will not, I am certain, be accepted by the soviet government.

1. The life of Russia depends upon its railroads; and your demand for control of transportation by the commission can hardly be accepted by the soviet government which knows that plots for the destruction of railroad bridges were hatched in the American consulate in Moscow. You are asking the soviet government to put its head in the lion's mouth. It will not accept. You must moderate your phrases.

2. When you speak of the "cessation of hostilities by Russian troops," you fail to speak of hostilities by troops of the allied and associated Governments, a number of

whom, you may recall, have invaded Russia. Furthermore, your phrase does not cover Finns, Esthonians, Letts, Poles, etc. In addition, you say absolutely nothing about the withdrawal of the troops of the allied and associated Governments from Russian territory. And, most important, you fail to say that troops and military supplies will cease to be sent into the territory of the former Russian Empire. You thereby go a long way toward proving Trotsky's thesis: That any armistice will simply be used by the Allies as a period in which to supply tanks, aeroplanes, gas shells, liquid fire, etc., to the various antisoviet governments. As it stands, your armistice proposal is absolutely unfair, and I am sure that it will not be accepted by the soviet government.

Very respectfully, yours,

WILLIAM C. BULLITT.

Senator NEW. Otherwise you had no fault to find with it?

Mr. BULLITT. Yes. The morning after Col. House had told me he wished to submit this proposition to his international law experts, I came as usual to his office about 9.40, and Mr. Auchincloss was on his way to the President with his proposal, the Auchincloss-Miller proposal, as Col. House's proposal. But I got that stopped. I went in to Col. House, and Col. House told Mr. Auchincloss not to take it up to the President, and asked me if I could doctor up the reply of Mr. Auchincloss and Mr. Miller to the Nansen letter so that it might possibly be acceptable to the soviet government. I thereupon rewrote the Auchincloss-Miller letter, but I was forced to stick very closely to the text. I was told that I could cut things out if I wished to, but to stick very closely to the text, which I did. I drew this redraft of their letter, under protest at the whole business. My redraft of their letter was finally the basis of the reply of the four to Nansen. I have both these documents here, my reply—and the four took that reply—and with the changes——

The CHAIRMAN. What four—the successors of the ten?

Mr. BULLITT. The successors of the 10, sir, took the reply——

The CHAIRMAN. Who were the four at that moment?

Mr. BULLITT. M. Orlando, Mr. Lloyd-George, M. Clemenceau, and the President. This extremely mild proposition, which really had almost no chance of life, was, you will see, in no sense a reply to these proposals of the soviet government. This is my attempt to doctor up the Auchincloss-Miller proposition. In spite of every effort I could make to obtain definite action on it, the reply was made to me that this reply to the Nansen proposal would be a sufficient reply to that proposal of the soviet government. [Reading:]

BULLITT EXHIBIT NO. 24.

DEAR SIR: The misery and suffering in Russia described in your letter of April 3 appeals to the sympathies of all peoples. It is shocking to humanity that millions of men, women, and children lack the food and the necessities, which make life endurable.

The Governments and peoples whom we represent would be glad to cooperate, without thought of political, military, or financial advantage, in any proposal which would relieve this situation in Russia. It seems to us that such a commission as you propose would offer a practical means of achieving the beneficent results you have in view, and could not, either in its conception or its operation, be considered as having any other aim than the "humanitarian purpose of saving life."

There are great difficulties to be overcome, political difficulties, owing to the existing situation in Russia, and difficulties of supply and transport. But if the existing local governments of Russia are as willing as the Governments and the peoples whom we represent to see succor and relief given to the stricken peoples of Russia, no political obstacle will remain. There will remain, however, the difficulties of supply and transport, which we have mentioned, and also the problem of distribution in Russia itself. The problem of supply we can ourselves hope to solve, in connection with the advice and cooperation of such a commission as you propose. The problem of trans-

port of supplies to Russia we can hope to meet with the assistance of your own and other neutral Governments. The problem of transport in Russia and of distribution can be solved only by the people of Russia themselves, with the assistance, advice, and supervision of your commission.

Subject to such supervision, the problem of distribution should be solely under the control of the people of Russia themselves. The people in each locality should be given, as under the régime of the Belgian Relief Commission, the fullest opportunity to advise your commission upon the methods and the personnel by which their community is to be relieved. In no other circumstances could it be believed that the purpose of this relief was humanitarian, and not political, under no other conditions could it be certain that the hungry would be fed.

That such a course would involve cessation of all hostilities within the territory of the former Russian Empire is obvious. And the cessation of hostilities would, necessarily, involve a complete suspension of the transfer of troops and military material of all sorts to and within these territories. Indeed, relief to Russia which did not mean a return to a state of peace would be futile, and would be impossible to consider.

Under such conditions as we have outlined we believe that your plan could be successfully carried into effect, and we should be prepared to give it our full support.

BULLITT EXHIBIT No. 25.

REPLY OF PRESIDENT WILSON, PREMIERS CLEMENCEAU, LLOYD-GEORGE, AND ORLANDO, TO DR. NANSEN, APRIL 17, 1919.

DEAR SIR: The misery and suffering in Russia described in your letter of April 3 appeals to the sympathies of all peoples. It is shocking to humanity that millions of men, women, and children lack the food and the necessities which make life endurable.

The Governments and peoples whom we represent would be glad to cooperate, without thought of political, military, or financial advantage, in any proposal which would relieve this situation in Russia. It seems to us that such a commission as you propose would offer a practical means of achieving the beneficent results you have in view, and could not, either in its conception or its operation, be considered as having any other aim that the "humanitarian purpose of saving life."

There are great difficulties to be overcome, political difficulties, owing to the existing situation in Russia, and difficulties of supply and transport. But if the existing local governments of Russia are as willing as the Governments and people whom we represent to see succor and relief given to the stricken peoples of Russia, no political obstacle will remain.

There will remain, however, the difficulties of supply, finance, and transport which we have mentioned, and also the problem of distribution in Russia itself. The problem of supply we can ourselves hope to solve, in connection with the advice and cooperation of such a commission as you propose. The problem of finance would seem to us to fall upon the Russian authorities. The problem of transport of supplies to Russia we can hope to meet with the assistance of your own and other neutral governments whose interests should be as great as our own and whose losses have been far less. The problems of transport in Russia and of distribution can be solved only by the people of Russia themselves, with the assistance, advice, and supervision of your commission.

Subject to your supervision, the problem of distribution should be solely under the control of the people of Russia themselves. The people in each locality should be given, as under the régime of the Belgian Relief Commission, the fullest opportunity to advise your commission upon the methods and the personnel by which their community is to be relieved. In no other circumstances could it be believed that the purpose of this relief was humanitarian, and not political; under no other condition could it be certain that the hungry would be fed.

That such a course would involve cessation of all hostilities within definitive lines in the territory of Russia is obvious. And the cessation of hostilities would, necessarily, involve a complete suspension of the transfer of troops and military material of all sorts to and within Russian territory. Indeed, relief to Russia which did not mean a return to a state of pecae would be futile and would be impossible to consider.

Under such conditions as we have outlined, we believe that your plan could be successfully carried into effect, and we should be prepared to give it our full support.

V. E. ORLANDO.
D. LLOYD GEORGE.
WOODROW WILSON.
G. CLEMENCEAU.

Senator KNOX. I want the reply of Auchincloss to Nansen to go into the record.

The CHAIRMAN. Let all that correspondence be printed in the record.

Senator KNOX. Dr. Nansen's proposition, and then the reply.

(The letters referred to are inserted above.)

Mr. BULLITT. The Nansen letter was written in Mr. Hoover's office. Nansen made the proposition. I wrote the original of a reply to Dr. Nansen, which I believe would have led to peace. Col. House indicated his approval of it, but wished to have it considered from the international legal standpoint, which was then done by Mr. Auchincloss and Mr. Miller, who proposed a reply that had no resemblance to my proposal. I then objected to that as it was on its way to the President. It was not sent to the President, and I was ordered to try to doctor it up. I attempted to doctor it up and produced a doctored version which was finally made the basis of the reply, with the change of two or three words which made it even worse and even more indefinite, so that the soviet government could not possibly conceive it as a genuine peace proposition. It left the whole thing in the air.

Senator KNOX. We would like to have you see that these documents to which you have just now referred are inserted in the record in the sequence in which you have named them.

Mr. BULLITT. Yes, I shall be at the service of the committee in that regard.

Senator HARDING. Lest I missed something while I was out of the room I am exceedingly curious to know why the soviet proposal was not given favorable consideration.

Senator KNOX. Mr. Bullitt has stated that.

Mr. BULLITT. The principal reason was entirely different. The fact was that just at this moment, when this proposal was under consideration, Kolchak made a 100-mile advance. There was a revolt of peasants in a district of Russia which entirely cut off supplies from the Bolshevik army operating against Kolchak. Kolchak made a 100-mile advance, and immediately the entire press of Paris was roaring and screaming on the subject, announcing that Kolchak would be in Moscow within two weeks; and therefore everyone in Paris, including, I regret to say members of the American commission, began to grow very lukewarm about peace in Russia, because they thought Kolchak would arrive in Moscow and wipe out the soviet government.

Senator KNOX. And the proposal which you brought back from Russia, that is the soviet proposal, was abandoned and dropped, after this last document to which you have just referred was the best.

Mr. BULLITT. Yes; it was. May I say this, that April 10 was the final date when their proposition was open. I had attempted every day and almost every night to obtain a reply to it. I finally requested the commission to send the following telegram to Tchitcherin.

I proposed to send this telegram to the American consul at Helsingfors [Reading].

BULLITT EXHIBIT No. 26.

APRIL 10, 1919.

AMERICAN CONSUL, *Helsingfors:*

Please send Kock or other reliable person immediately to Petrograd to Schklovsky, minister of foreign affairs, with following message for Tchitcherin: "Action leading to food relief via neutrals likely within week.—Bullitt."

ADMISSION.

The commission considered that matter, and this is the official minute of their meeting [reading]:

BULLITT EXHIBIT No. 27.

AMERICAN MISSION TO NEGOTIATE PEACE,
April 10, 1919.

[No. 211.]
To: The Commissioners, for action.
Subject: Telegram to Tchitcherin.

Statement.—Action by the council of four on the reply to Mr. Nansen was prevented yesterday by French objection to a minor clause in the President's letter. It is hoped that agreement in this matter may be reached to-day or to-morrow, but it is quite possible that agreement may not be reached for several days.

To-day, April 10, the pledge of the soviet government to accept a proposal of the sort outlined in its statement of March 14 expires. No indication has been given the soviet government that its statement was ever placed before the conference of Paris or that any change of policy in regard to Russia is contemplated. In view of the importance which the soviet government placed upon its statement, I fear that this silence and the passing of April 10 will be interpreted as a definite rejection of the peace effort of the soviet government and that the soviet government will at once issue belligerent political statements and orders for attacks on all fronts, including Bessarabia and Archangel. It is certain that if the soviet troops should enter Bessarabia or should overcome the allied forces at Archangel, the difficulty of putting through the policy which is likely to be adopted within the next few days would be greatly increased. I feel that if the appended telegram should be sent at once to Tchitcherin, no large offensive movements by the soviet armies would be undertaken for another week, and no provocative political statements would be issued.

I therefore respectfully suggest that the appended telegram should be sent at once.

Respectfully submitted.

WILLIAM C. BULLITT.

APRIL 10, 1919.

At the meeting of the commissioners this morning the above memorandum was read in which Mr. Bullitt requested that a telegram be sent to the American consul at Helsingfors, instructing the latter to send a message through reliable sources to Tchitcherin respecting Mr. Lansing's contemplated scheme for relief in Russia. After some discussion the commissioners redrafted the telegram in question to read as follows:

"Please send Kock or other reliable person immediately to Petrograd to Schklovsky, minister of foreign affairs, with following message for Tchitcherin, sent on my personal responsibility. 'Individuals of neutral States are considering organization for feeding Russia. Will perhaps decide something definite within a week.'—Bullitt."

CHRISTIAN A. HERTER,
Assistant to Mr. White.

I believe that telegram was dispatched. I do not know.

Senator KNOX. Mr. Bullitt, I want to ask you a question. You have told us that you went to Russia with instructions from the Secretary of State, Mr. Lansing, with a definition of the American policy by Mr. House, with the approval of Lloyd-George, who approved of your mission, of the purposes for which you were being sent. Now, tell us whether or not to your knowledge your report and the proposal of the soviet government was ever formally taken up by the peace conference and acted on?

Mr. BULLITT. It was never formally laid before the peace conference, which I believe met only six times during the course of the entire proceedings of what is called the peace conference.

Senator KNOX. Did not Mr. Lloyd-George in a speech to Parliament assert that he had never received the proposal with which you returned from Russia? Have you a copy of his speech?

Mr. BULLITT. About a week after I had handed to Mr. Lloyd-George the official proposal, with my own hands, in the presence of three other persons, he made a speech before the British Parliament, and gave the British people to understand that he knew nothing whatever about any such proposition. It was a most egregious case of misleading the public, perhaps the boldest that I have ever known in my life. On the occasion of that statement of Mr. Lloyd-George, I wrote the President. I clipped his statement from a newspaper and sent it to the President, and I asked the President to inform me whether the statement of Mr. Lloyd-George was true or untrue. He was unable to answer, inasmuch as he would have had to reply on paper that Mr. Lloyd-George had made an untrue statement. So flagrant was this that various members of the British mission called on me at the Crillon, a day or so later, and apologized for the Prime Minister's action in the case.

Senator KNOX. Have you a copy of Lloyd-George's remarks in the Parliament?

Mr. BULLITT. I have a copy.

Senator KNOX. Suppose you read it?

Mr. BULLITT. It is as follows:

Mr. CLYNES. Before the right honorable gentleman comes to the next subject, can he make any statement on the approaches or representations alleged to have been made to his Government by persons acting on behalf of such government as there is in Central Russia?

Mr. LLOYD-GEORGE. We have had no approaches at all except what have appeared in the papers.

Mr. CLYNES. I ask the question because it has been repeatedly alleged.

Mr. LLOYD-GEORGE. We have had no approaches at all. Constantly there are men coming and going to Russia of all nationalities, and they always come back with their tales of Russia. But we have made no approach of any sort.

I have only heard reports of others having proposals which they assume have come from authentic quarters, but these have never been put before the peace conference by any member, and therefore we have not considered them.

I think I know what my right honorable friend refers to. There was some suggestion that a young American had come back from Russia with a communication. It is not for me to judge the value of this communication, but if the President of the United States had attached any value to it he would have brought it before the conference, and he certainly did not.

It was explained to me by the members of the British delegation who called on me, that the reason for this deception was that although when Lloyd-George got back to London he intended to make a statement very favorable to peace with Russia, he found that Lord Northcliffe, acting through Mr. Wickham Steed, the editor of The Times, and Mr. Winston Churchill, British secretary for war, had rigged the conservative majority of the House of Commons against him, and that they were ready to slay him then and there if he attempted to speak what was his own opinion at the moment on Russian policies.

Senator KNOX. Mr. Bullitt, you resigned your relations with the State Department and the public service, did you not?

Mr. BULLITT. I did, sir.

Senator KNOX. When?

Mr. BULLITT. I resigned on May 17.

Senator KNOX. For what reason?

Mr. BULLITT. Well, I can explain that perhaps more briefly than in any other way by reading my letter of resignation to the President, which is brief.

Senator KNOX. Very well, we would like to hear it.

The CHAIRMAN. Before that letter is read, you did not see the President and had no knowledge of his attitude in regard to your report?

Mr. BULLITT. None whatever, except as it was reported to me by Col. House. Col. House, as I said before, reported to me that he thought in the first place that the President favored the peace proposal; in the second place, that the President could not turn his mind to it, because he was too occupied with Germany, and finally—well, really, I have no idea what was in the President's mind.

Senator KNOX. There never was another effort to secure an audience with the President for you after those first two that you say Col. House made?

Mr. BULLITT. No; not at all. Meetings with the President were always arranged through Col. House.

In my letter of resignation to the President, which was dated May 17, 1919, I said:

BULLITT EXHIBIT No. 28.

MAY 17, 1919.

MY DEAR MR. PRESIDENT: I have submitted to-day to the Secretary of State my resignation as an assistant in the Department of State, attaché to the American commission to negotiate peace. I was one of the millions who trusted confidently and implicitly in your leadership and believed that you would take nothing less than "a permanent peace" based upon "unselfish and unbiased justice." But our Government has consented now to deliver the suffering peoples of the world to new oppressions, subjections, and dismemberments—a new century of war. And I can convince myself no longer that effective labor for "a new world order" is possible as a servant of this Government.

Russia, "the acid test of good will," for me as for you, has not even been understood. Unjust decisions of the conference in regard to Shantung, the Tyrol, Thrace, Hungary, East Prussia, Danzig, the Saar Valley, and the abandonment of the principle of the freedom of the seas make new international conflicts certain. It is my conviction that the present league of nations will be powerless to prevent these wars, and that the United States will be involved in them by the obligations undertaken in the covenant of the league and in the special understanding with France. Therefore the duty of the Government of the United States to its own people and to mankind is to refuse to sign or ratify this unjust treaty, to refuse to guarantee its settlements by entering the league of nations, to refuse to entangle the United States further by the understanding with France.

That you personally opposed most of the unjust settlements, and that you accepted them only under great pressure, is well known. Nevertheless, it is my conviction that if you had made your fight in the open, instead of behind closed doors, you would have carried with you the public opinion of the world, which was yours; you would have been able to resist the pressure and might have established the "new international order based upon broad and universal principles of right and justice" of which you used to speak. I am sorry that you did not fight our fight to the finish and that you had so little faith in the millions of men, like myself, in every nation who had faith in you.

Very sincerely, yours,

WILLIAM C. BULLITT.

To the honorable WOODROW WILSON,
President of the United States.

Senator KNOX. Did you ever get a reply to that letter?

Mr. BULLITT. I did not, sir. The only intimation I had in regard to it was that Mr. Close, secretary of the President, with whom I was lunching, said to me that the President had read my letter and

had said that he would not reply. In connection with that I wrote Col. House a letter at the same time as follows:

BULLITT EXHIBIT No. 29.

MAY 17, 1919.

MY DEAR COL. HOUSE: Since you kindly lent me the text of the proposed treaty of peace, I have tried to convince myself that some good might come of it and that I ought to remain in the service of the Department of State to labor for its establishment. It is with sincere regret that I have come to the conviction that no good ever will issue from a thing so evil and that those who care about a permanent peace should oppose the signature and ratification of it, and of the special understanding with France.

I have therefore submitted my resignation to the Secretary of State and have written the appended note to the President. I hope you will bring it to his attention: not because he will care what I may think, but because I have expressed the thoughts which are in the minds of many young and old men in the commission—thoughts which the President will have to reckon with when the world begins to reap the crop of wars the seeds of which have here been sown.

I feel sure that you will agree that I am right in acting on my conviction and I hope that this action will in no way affect the relationship between us which has always been so delightful and stimulating to me.

With my sincerest personal regards, I am,

Very respectfully, yours,

WILLIAM C. BULLITT.

To the honorable EDWARD M. HOUSE,
Hotel Crillon, Paris.

Senator KNOX. Did you get a reply to that?

Mr. BULLITT. Col. House sent for me, and after that we had a conversation. That was the only reply that I had. I had a conversation with Col. House on the whole matter, and we thrashed it all out.

Senator KNOX. Was anything said during this conversation which you feel willing or disposed to tell us, which will be important?

Mr. BULLITT. I made a record of the conversation. Inasmuch as the conversations which I had with various members of the commission on the occasion of my resignation touched on a number of important issues, I kept a record of those conversations, that is. those I had at the time when I resigned. They are the only conversations of which I made records, and I made them simply because we did deal more or less with the entire question of the peace treaty. On the other hand, they are personal conversations, and I hesitate to repeat them, unless the committee considers it particularly important.

Senator KNOX. I would not press you on the personal conversations which you had with Col. House after you resigned. I leave the matter to your own judgment. I wondered whether there might have been something which transpired which you would care to tell us; but I withdraw that suggestion. I should like to ask you this one question: I suppose your letter of resignation to Mr. Lansing was merely formal?

Mr. BULLITT. My letter of resignation to Mr. Lansing was a formal letter.

Senator KNOX. You certainly got a reply to that.

Mr. BULLITT. I did, sir. I wrote a formal letter and I got a formal reply, and the Secretary sent for me the same afternoon and explained that he only sent me a formal reply because it was necessary. because of the form in which I had put my resignation, and particularly because I had appended to my note my letter to the President. We then discussed various other matters in connection with the treaty.

The CHAIRMAN. Are you through?

Senator KNOX. Yes.

The CHAIRMAN. Mr. Bullitt, you put into the record or read here, I think, some extracts from the minutes of the Council of Ten?

Mr. BULLITT. Yes, sir.

The CHAIRMAN. Were you present at any of these meetings?

Mr. BULLITT. I was not, sir.

The CHAIRMAN. The Council of Ten was the first body that was dealing with the treaty generally, the important body? It was not a special commission?

Mr. BULLITT. No, sir. It was the main body of the conference.

The CHAIRMAN. Yes; it was the main body, and was the one that subsequently became the Council of Five, and then the Council of Four, and I think at one time a Council of Three?

Mr. BULLITT. Yes, sir.

The CHAIRMAN. Well, now, there were records of these meetings, were there not?

Mr. BULLITT. Yes, sir.

The CHAIRMAN. Do you know what disposition was made of those records?

Mr. BULLITT. Mr. Chairman, there were a number of copies for each delegation, and I presume that there must be a number of copies in this country at the present time; perhaps not.

The CHAIRMAN. You say each delegate had a copy?

Mr. BULLITT. Each plenipotentiary had a copy, and the Secretary of the American Commission had a copy, I believe, and the assistant secretaries had copies; certainly one of the assistant secretaries, Mr. Leland Harrison; and Mr. Grew had a copy.

The CHAIRMAN. Did Mr. Lansing have copies while he served on the Council of Ten?

Mr. BULLITT. Yes, sir; well, I am quite sure that he did. I am sure that I have seen copies on the desk of the Secretary.

The CHAIRMAN. Well, they were furnished regularly to every member of the conference?

Mr. BULLITT. Yes.

The CHAIRMAN. We have found some difficulty in getting them; that is the reason I asked.

Senator KNOX. I am informed—perhaps Mr. Bullitt can tell us—that there is a complete set of minutes in the hands of some individual in this country. Do you know anything about that—perhaps Auchincloss & Miller.?

Mr. BULLITT. I could not be certain in regard to the matter, but I should certainly be under the impression that Mr. Auchincloss and Mr. Miller have copies of the minutes; perhaps not. Perhaps Mr. Auchincloss has left his with Col. House. He would have Col. House's copies. Perhaps they are in this country, perhaps not. But Mr. Auchincloss and Mr. Miller perhaps have those minutes in their files.

The CHAIRMAN. Undoubtedly there are a number, at least, of those records in existence.

Mr. BULLITT. Certainly, sir.

The CHAIRMAN. That must be the case.

Mr. BULLITT. Certainly, sir. Also records of the meetings of the American Commission.

Senator BRANDEGEE. Do you know whether or not they are in the State Department—any of these minutes or records in our State Department?

Mr. BULLITT. I should presume that in the normal course of events they would be certainly among Mr. Lansing's papers, which were very carefully kept. He had an excellent secretariat.

The CHAIRMAN. Did any member of our delegation, any member of the council of 10, express to you any opinions about the general character of this treaty?

Mr. BULLITT. Well, Mr. Lansing, Col. House, Gen. Bliss, and Mr. White had all expressed to me very vigorously their opinions on the subject.

The CHAIRMAN. Were they enthusiastically in favor of it?

Mr. BULLITT. I regret to say, not.

As I say, the only documents of the sort that I have are the memoranda of the discussions that I had after I resigned, when we thrashed over the whole ground.

The CHAIRMAN. Those memoranda of consultations that you had after you resigned you prefer not to publish? I am not asking you to do so.

Mr. BULLITT. I think it would be out of the way.

The CHAIRMAN. I quite understand your position. I only wanted to know—I thought it might be proper for you to say whether or not their opinions which you heard them express were favorable to the series of arrangements, I would call them, that were made for the consideration of this treaty.

Mr. BULLITT. It is no secret that Mr. Lansing, Gen. Bliss, and Mr. Henry White objected very vigorously to the numerous provisions of the treaty.

The CHAIRMAN. It is known that they objected to Shantung. That, I think, is public information. I do not know that it is public information that they objected to anything else.

Mr. BULLITT. I do not think that Secretary Lansing is at all enthusiastic about the league of nations as it stands at present. I have a note of a conversation with him on the subject, which, if I may, I will just read, without going into the rest of that conversation, because it bears directly on the issue involved.

This was a conversation with the Secretary of State at 2.30 on May 19. The Secretary sent for me. It was a long conversation, and Mr. Lansing in the course of it said:

> Mr. Lansing then said that he personally would have strengthened greatly the judicial clauses of the league of nations covenant, making arbitration compulsory. He also said that he was absolutely opposed to the United States taking a mandate in either Armenia or Constantinople; that he thought that Constantinople should be placed under a local government, the chief members of which were appointed by an international committee.

This is a matter, it seems to me, of some importance in regard to the whole discussion, and therefore I feel at liberty to read it, as it is not a personal matter.

The CHAIRMAN. This is a note of the conversation made at the time?

Mr. BULLITT. This is a note which I immediately dictated after the conversation. [Reading:]

> Mr. Lansing then said that he, too, considered many parts of the treaty thoroughly bad, particularly those dealing with Shantung and the league of nations. He said: "I consider that the league of nations at present is entirely useless. The great powers have simply gone ahead and arranged the world to suit themselves. England and

France in particular have gotten out of the treaty everything that they wanted, and the league of nations can do nothing to alter any of the unjust clauses of the treaty except by unanimous consent of the members of the league, and the great powers will never give their consent to changes in the interests of weaker peoples."

We then talked about the possibility of ratification by the Senate. Mr. Lansing said: "I believe that if the Senate could only understand what this treaty means, and if the American people could really understand, it would unquestionably be defeated, but I wonder if they will ever understand what it lets them in for." He expressed the opinion that Mr. Knox would probably really understand the treaty—

[Laughter.]

May I reread it?

He expressed the opinion that Mr. Knox would probably really understand the treaty, and that Mr. Lodge would; but that Mr. Lodge's position would become purely political, and therefore ineffective.

[Laughter.]

The CHAIRMAN. I do not mind.

Mr. BULLITT (reading):

He thought, however, that Mr. Knox might instruct America in the real meaning of it.

[Laughter.]

The CHAIRMAN. He has made some very valuable efforts in the direction.

Mr. BULLITT. I beg to be excused from reading any more of these conversations.

Senator BRANDEGEE. We get the drift.

[Laughter.]

I want to ask one or two questions.

The CHAIRMAN. Go ahead.

Senator BRANDEGEE. Did you read any of these minutes of the meetings of the American commission?

Mr. BULLITT. Of the American commission itself?

Senator BRANDEGEE. Yes.

Mr. BULLITT. No, sir. I have on one or two occasions glanced at them but I never have read them carefully.

Senator BRANDEGEE. They were accessible to you at the time, were they?

Mr. BULLITT. They were, sir.

Senator BRANDEGEE. You stated, if I recall your testimony correctly, that when the proposition was made that the legislative bodies of the contracting parties should have representation in the assembly, the President objected to that?

Mr. BULLITT. The President—if I may explain again—approved in principle, but said that he did not see how the thing could be worked out, and he felt that the assembly of delegates, or whatever it is called in the present draft, gave sufficient representation to the peoples of the various countries.

Senator BRANDEGEE. Do you know what his objection was to the legislative bodies of the contracting parties having representation on the assembly?

Mr. BULLITT. The President believed, I think—in fact, it was so stated to me by Col. House, who discussed the matter with me—that it would make too unwieldy a central organ for the league.

Senator BRANDEGEE. Do you understand why it would be any more unwieldy if Congress should appoint the delegates than if the President should?

Mr. BULLITT. It would necessitate a larger central body if representation was to be given to the important political parties of the various countries. It would have necessitated a body of, say, 10 representatives from the United States—5 from the Republican party and 5 from the Democratic Party, in the assembly of the league, which would become a large body.

Senator BRANDEGEE. The idea was that the political parties of the country should be represented?

Mr. BULLITT. Yes, the political viewpoints should be represented so that you would get some connection between the central assembly of the league and the true opinion of the countries.

Senator BRANDEGEE. When you went across to Paris on the *George Washington* with the President do you know whether he had with him at that time any draft for a league of nations or any memorandum that he showed to you or discussed with you?

Mr. BULLITT. The President outlined to several of us one evening, or rather one afternoon, the conception he had at the time of the league of nations. I did not see any formal draft that he had, but the President made a statement before the council of 10, in one of these minutes from which I have been reading, stating that he had first—and in fact I think I know it from other sources—that he had first received the Phillimore report, that then it had been rewritten by Col. House and that he had rewritten Col. House's report, and after he had discussed his rewriting with Robert Cecil and Gen. Smuts, he had rewritten it again.

Senator BRANDEGEE. You stated substantially that the only part of the league draft which was laid before the Peace Conference which the President had his way about, was Article 10. Did you make some such statement as that?

Mr. BULLITT. Yes, sir.

Senator BRANDEGEE. The President stated to us that that was practically what he had submitted to the Niagara conference here when the A B C powers from South America were discussing the Mexican question. He had then considered it as an article for American use on this continent.

Do you know what the attitude of Gen. Smuts was as to article 10 as proposed by the President?

Mr. BULLITT. I do not, sir. Again, full minutes of the discussions and conclusions reached of all these meetings of the committee on the league of nations were kept.

Senator BRANDEGEE. Did you read the various other plans that were proposed or suggested over there for a league of nations?

Mr. BULLITT. I have read some of them, sir.

Senator BRANDEGEE. Did the others have anything similar to what is now article 10 in the treaty pending in the Senate?

Mr. BULLITT. I really can not say. I am sorry, but I have forgotten. I should not care to testify on that.

Senator BRANDEGEE. Do you know from what you heard while you were there in your official capacity whether the other nations were anxious to have article 10 in the covenant for the league?

Mr. BULLITT. The French were not only anxious for it, but I believe were anxious greatly to strengthen it. They desired immediately a league army to be established, and I believe also to be

stationed in Alsace-Lorraine and along the Rhine, in addition to article 10. I can not say for certain about the others.

The CHAIRMAN. Mr. Bullitt, we had before us at one of our hearings a representative of the Egyptian people. Do you know anything about that, when it was done, or any discussions about it? I mean the clauses that appear in regard to the British protectorate.

Mr. BULLITT. You mean our agreement to recognize the British protectorate in Egypt?

The CHAIRMAN. It was recognized by this treaty in those clauses.

Mr. BULLITT. Yes; but we gave a sort of assent before the treaty formally came out, did we not? I recall the morning it was done. It was handled by Sir William Wiseman, who was the confidential representative that Lloyd George and Balfour had constantly with Col. House and the President. He was a sort of extra confidential foreign office. It was all done, if I recall his statement correctly, in the course of one morning. The President was informed that the Egyptian nationalists were using his 14 points as meaning that the President thought that Egypt should have the right to control her own destinies, and therefore have independence, and that they were using this to foment revolution; that since the President had provoked this trouble by the 14 points, they thought that he should allay it by the statement that we would recognize the British protectorate, and as I remember Sir William Wiseman's statement to me that morning, he said that he had only brought up the matter that morning and that he had got our recognition of the British protectorate before luncheon.

The CHAIRMAN. The President made some public statement?

Mr. BULLITT. I am not certain in regard to the further developments of it. I recall that incident, that it was arranged through Sir William Wiseman, and that it took only a few minutes.

Senator KNOX. That was a good deal of time to devote to a little country like Egypt.

Mr. BULLITT. I do not know. You should know, sir, you have been Secretary of State.

Senator KNOX. We never chewed them up that fast.

Senator NEW. Mr. Bullitt, what, if anything, was said with reference to the Irish question, with which you are familiar?

Mr. BULLITT. At the conference? I do not believe the Irish question was ever brought up before the conference or discussed. There was considerable said on the side, attempts to let down the Walsh mission easily without antagonizing the Irish vote in this country. [Laughter.] I think that is the only consideration that Ireland received.

Senator NEW. There was a cheerful willingness to do that, was there not?

Mr. BULLITT. I think so.

The CHAIRMAN. Is there anything further that anybody desires to ask Mr. Bullitt? We are very much obliged to you indeed, Mr. Bullitt.

Mr. BULLITT. Mr. Chairman, if I may just say—I do not know whether it is a matter of first interest to the Senators or not—but on this trip with me to Russia there was Capt. Pettit, and at the same time the journalist, Lincoln Steffens, and I have documents which they prepared and which might be of interest to the committee.

The CHAIRMAN. If you will hand those to the stenographer, we will print them with your testimony.

Senator KNOX. What are your plans, Mr. Bullitt? What are you going to do in this country now?

Mr. BULLITT. I expect to return to Maine and fish for trout, where I was when I was summoned by the committee.

Senator BRANDEGEE. Did Mr. Steffens go to Russia with you?

Mr. BULLITT. He did.

The CHAIRMAN. He held no official position?

Mr. BULLITT. No.

Senator BRANDEGEE. Who advised him to go?

Mr. BULLITT. I did.

Senator BRANDEGEE. Is he in the country now?

Mr. BULLITT. I do not believe so. I believe he is still in Europe.

(By order of the committee the report of Lincoln Steffens referred to is here printed in full in the record, as follows:)

BULLITT EXHIBIT No. 30.

APRIL 2, 1919.

REPORT OF LINCOLN STEFFENS.

Politically, Russia has reached a state of equilibrium; internally; for the present at least.

I think the revolution there is ended; that it has run its course. There will be changes. There may be advances; there will surely be reactions, but these will be regular, I think; politically and economic, but parliamentary. A new center of gravity seems to have been found.

Certainly, the destructive phase of the revolution in Russia is over. Constructive work has begun.

We saw this everywhere. And we saw order, and though we inquired for them, we heard of no disorders. Prohibition is universal and absolute. Robberies have been reduced in Petrograd below normal of large cities. Warned against danger before we went in, we felt safe. Prostitution has disappeared with its clientele, who have been driven out by the "no-work-no-food law," enforced by the general want and the labor-card system. Loafing on the job by workers and sabotage by upper-class directors, managers, experts and clerks have been overcome. Russia has settled down to work.

The soviet form of government, which sprang up so spontaneously all over Russia, is established.

This is not a paper thing; not an invention. Never planned, it has not yet been written into the forms of law. It is not even uniform. It is full of faults and difficulties; clumsy, and in its final development it is not democratic. The present Russian Government is the most autocratic government I have ever seen. Lenin, head of the soviet government, is farther removed from the people than the Tsar was, or than any actual ruler in Europe is.

The people in a shop or an industry are a soviet. These little informal soviets elect a local soviet; which elects delegates to the city or country (community) soviet; which elects delegates to the government (State) soviet. The government soviets together elect delegates to the All-Russian Soviet, which elects commissionaires (who correspond to our Cabinet, ot to a European minority). And these commissionaires finally elect Lenin. He is thus five or six removes from the people. To form an idea of his stability, independence, and power, think of the process that would have to be gone through with by the people to remove him and elect a successor. A majority of all the soviets in all Russia would have to be changed in personnel or opinion, recalled, or brought somehow to recognize and represent the altered will of the people.

No student of government likes the soviet as it has developed. Lenin himself doesn't. He calls it a dictorship, and he opposed it at first. When I was in Russia in the days of Milyoukov and Kerensky, Lenin and the Bolsheviks were demanding the general election of the constituent assembly. But the soviets existed then; they had the power, and I saw foreign ambassadors blunder, and the world saw Milyoukov

and Kerensky fall, partly because they would not, or could not, comprehend the nature of the soviet; as Lenin did finally, when, against his theory, he joined in and expressed the popular repudiation of the constituent assembly and went over to work with the soviet, the actual power in Russia. The constituent assembly, elected by the people, represented the upper class and the old system. The soviet was the lower class.

The soviet, at bottom, is a natural gathering of the working people, or peasants, in their working and accustomed groupings, instead of, as with us, by artificial geographical sections.

Labor unions and soldiers' messes made up the soviets in the cities; poorer peasants and soldiers at the village inn were the first soviets in the country; and in the beginning, two years ago, these lower class delegates used to explain to me that the "rich peasants" and the "rich people" had their own meetings and meeting places. The popular intention then was not to exclude the upper classes from the government, but only from the soviets, which were not yet the same. But the soviets, once in existence, abosorbed in their own class tasks and their own problems, which the upper class had either not understood or solved, ignored—no; they simply forgot the council of empire and the Duma. And so they discovered (or, to be more exact, their leaders discovered) that they had actually all the power. All that Lenin and the other Socialist leaders had to do to carry through their class-struggle theory was to recognize this fact of power and teach the soviets to continue to ignore the assemblies and the institutions of the upper classes, which, with their "governments," ministries, and local assemblies, fell, powerless from neglect.

The soviet government sprouted and grew out of the habits, the psychology, and the condition of the Russian people. It fitted them. They understand it. They find they can work it and they like it. Every effort to put something else in its place (including Lenin's) has failed. It will have to be modified, I think, but not in essentials, and it can not be utterly set aside. The Tsar himself, if he should come back, would have to keep the Russian Soviet, and somehow rule over and through it.

The Communist Party (dubbed "Bolshevik") is in power now in the soviet government.

I think it will stay there a long time. What I have shown of the machinery of change is one guaranty of communist dominance. There are others.

All opposition to the communist government has practically ceased inside of Russia.

There are three organized opposition parties: Mincheviks, Social Revolutionary Right, and Social Revolutionary Left. The anarchists are not organized. The Social Revolutionary Left is a small group of very anarchistic leaders, who have hardly any following. The Mincheviks and the Social Revolutionaries Right are said to be strong, but there is no way of measuring their strength, for a very significant reason.

These parties have stopped fighting. They are critical, but they are not revolutionary. They also think the revolution is over. They proposed, and they still propose eventually, to challenge and oust the Communist Party by parliamentary and political methods, not by force. But when intervention came upon distracted Russia, and the people realized they were fighting many enemies on many fronts, the two strong opposing parties expressed their own and the public will to stand by the party in power until the menace of foreign invasion was beaten off. These parties announced this in formal statements, uttered by their regular conventions; you have confirmation of it in the memoranda written for you by Martov and Vosky, and you will remember how one of them put it to us personally:

"There is a fight to be made against the Bolsheviks, but so long as you foreigners are making it, we Russians won't. When you quit and leave us alone, we will take up our burden again, and we shall deal with the Bolsheviks. And we will finish them. But we will do it with our people, by political methods, in the Soviets, and not by force, not by war or by revolution, and not with any outside foreign help."

This is the nationalistic spirit, which we call patriotism, and understand perfectly; it is much stronger in the new than it was in the old, the Tsar's, Russia. But there is another force back of this remarkable statement of a remarkable state of mind.

All Russia has turned to the labor of reconstruction; sees the idea in the plans proposed for the future; and is interested—imaginatively.

Destruction was fun for a while and a satisfaction to a suppressed, betrayed, to an almost destroyed people. Violence was not in their character, however. The Russian people, sober, are said to be a gentle people. One of their poets speaks of them as "that gentle beast, the Russian people," and I noticed and described in my reports of the first revolution how patient, peaceable, and "safe" the mobs of Petro-

grad were. The violence came later, with Bolshevism, after the many attempts at counterrevolution, and with vodka. The Bolshevik leaders regret and are ashamed of their red terror. They do not excuse it. It was others, you remember, who traced the worst of the Russian atrocities and the terror itself to the adoption by the counterrevolutionists of the method of assassination (of Lenin and others), and most of all to the discovery by the mobs of wine cellars and vodka stills. That the Russian drunk and the Russian sober are two utterly different animals, is well known to the Jews, to the Reactionaries, and to the Russians themselves. And that is why this people lately have not only obeyed; they have themselves ruthlessly enforced the revolutionary prohibition decrees in every part of Russia that we would inquire about and hear from.

The destructive spirit, sated, exhausted, or suppressed, has done its work. The leaders say so—the leaders of all parties.

There is a close relationship between the Russian people and the new Russian leaders, in power and out. New men in politics are commonly fresh, progressive, representative; it's the later statesmen that damp the enthusiasm and sober the idealism of legislators. In Russia all legislators, all, are young or new. It is as if we should elect in the United States a brand-new set of men to all offices, from the lowest county to the highest Federal position, and as if the election should occur in a great crisis, when all men are full of hope and faith. The new leaders of the local soviets of Russia were, and they still are, of the people, really. That is one reason why their autocratic dictatorship is acceptable. They have felt, they shared the passion of the mob to destroy, but they had something in mind to destroy.

The soviet leaders used the revolution to destroy the sustem of organized Russian life.

While the mobs broke windows, smashed wine cellars, and pillaged buildings to express their rage, their leaders directed their efforts to the annihilation of the system itself. They pulled down the Czar and his officers; they abolished the courts, which had been used to oppress them; they closed shops, stopped business generally, and especially all competitive and speculative business; and they took over all the great industries, monopolies, concessions, and natural resources. This was their purpose. This is their religion. This is what the lower-class culture has been slowly teaching the people of the world for 50 years: That it is not some particular evil, but the whole system of running business and railroads, shops, banks, and exchanges, for speculation and profit that must be changed. This is what causes poverty and riches, they teach, misery, corruption, vice, and war. The people, the workers, or their State, must own and run these things "for service."

Not political democracy, as with us; economic democracy is the idea; democracy in the shop, factory, business. Bolshevism is a literal interpretation, the actual application of this theory, policy, or program. And so, in the destructive period of the Russian revolution, the Bolshevik leaders led the people to destroy the old system, root and branch, fruit and blossom, too. And apparently this was done. The blocks we saw in Petrograd and Moscow of retail shops nailed up were but one sign of it. When we looked back of these dismal fronts and inquired more deeply into the work of the revolution we were convinced that the Russians have literally and completely done their job. And it was this that shocked us. It is this that has startled the world; not the atrocities of the revolution, but the revolution itself.

The organization of life as we know it in America, in the rest of Europe, in the rest of the world, is wrecked and abolished in Russia.

The revolution didn't do it. The Tsar's Government had rotted it. The war broke down the worn-out machinery of it; the revolution has merely scrapped it finally.

The effect is hunger, cold, misery, anguish, disease—death to millions. But worse than these—I mean this—was the confusion of mind among the well and the strong. We do not realize, any of us—even those of us who have imagination—how fixed our minds and habits are by the ways of living that we know. So with the Russians. They understood how to work and live under their old system; it was not a pretty one; it was dark, crooked, and dangerous, but they had groped around in it all their lives from childhood up. They could find their way in it. And now they can remember how it was, and they sigh for the old ways. The rich emigres knew whom to see to bribe for a verdict, a safe-conduct, or a concession; and the poor, in their hunger, think now how it would be to go down to the market and haggle, and bargain, from one booth to another, making their daily purchases, reckoning up their defeats and victories over the traders. And they did get food then. And now—it is all gone. They have destroyed all this, and having destroyed it they were lost, strangers in their own land.

This tragedy of transition was anticipated by the leaders of the revolution, and the present needs were prepared for in the plans laid for reconstruction.

Lenin has imagination. He is an idealist, but he is a scholar, too, and a very grim realist. Lenin was a statistician by profession. He had long been trying to foresee the future of society under socialism, and he had marked down definitely the resources, the machinery, and the institutions existing under the old order, which could be used in the new. There was the old Russian communal land system, passing, but standing in spots with its peasants accustomed to it. That was to be revived; it is his solution of the problem of the great estates. They are not to be broken up, but worked by the peasants in common. Then there was the great Russian Cooperative (trading) Society, with its 11,000,000 families before the war; now with 17,000,000 members. He kept that. There was a conflict; it was in bourgeoise hands but it was an essential part of the projected system of distribution, so Lenin compromised and communist Russia has it. He had the railroads, telegraph, telephone already; the workers seized the factories, the local soviets the mines; the All-Russian Soviet, the banks. The new government set up shops—one in each neighborhood—to dole out for money, but on work tickets, whatever food, fuel, and clothing this complete government monopoly had to distribute. No bargaining, no display, no advertising, and no speculation. Everything one has earned by labor the right to buy at the cooperative and soviet shops is at a fixed, low price, at the established (too small) profit—to the government or to the members of the cooperative.

Money is to be abolished gradually. It does not count much now. Private capital has been confiscated, most of the rich have left Russia, but there are still many people there who have hidden away money or valuables, and live on them without working. They can buy food and even luxuries, but only illegally from peasants and speculators at the risk of punishment and very high prices. They can buy, also, at the government stores, at the low prices, but they can get only their share there, and only on their class or work tickets. The class arrangement, though transitory and temporary—the aim is to have but one class—is the key to the idea of the whole new system.

There are three classes. The first can buy, for example, 1½ pounds of bread a day; the second, three-quarters of a pound; the third, only one-quarter of a pound; no matter how much money they may have. The first class includes soldiers, workers in war, and other essential industries, actors, teachers, writers, experts, and Government workers of all sorts. The second class is of all other sorts of workers. The third is of people who do not work—the leisure class. Their allowance is, under present circumstances, not enough to live on, but they are allowed to buy surreptitiously from speculators on the theory that the principal of their capital will soon be exhausted, and, since interest, rent, and profits—all forms of unearned money—are abolished, they will soon be forced to go to work.

The shock of this, and the confusion due to the strange details of it, were, and they still are, painful to many minds, and not only to the rich. For a long time there was widespread discontent with this new system. The peasants rebelled, and the workers were suspicious. They blamed the new system for the food shortage, the fuel shortage, the lack of raw materials for the factories. But his also was anticipated by that very remarkable mind and will—Lenin. He used the State monopoly and control of the press, and the old army of revolutionary propagandists to shift the blame for the sufferings of Russia from the revolutionary government to the war, the blockade, and the lack of transportation. Also, he and his executive organization were careful to see that, when the government did get hold of a supply of anything, its arrival was heralded, and the next day it appeared at the community shops, where everybody (that worked) got his share at the low government price. The two American prisoners we saw had noticed this, you remember. "We don't get much to eat," they said, "but neither do our guards or the other Russians. We all get the same. And when they get more, we get our share."

The fairness of the new system, as it works so far, has won over to it the working class and the poorer peasants. The well-to-do still complain, and very bitterly sometimes. Their hoardings are broken into by the government and by the poverty committees, and they are severely punished for speculative trading. But even these classes are moved somewhat by the treatment of children. They are in a class by themselves: class A—1. They get all the few delicacies—milk, eggs, fruit, game, that come to the government monopoly—at school, where they all are fed, regardless of class. "Even the rich children," they told us, "they have as much as the poor children." And the children, like the workers, now see the operas, too, the plays, the ballets, the art galleries—all with instructors.

The Bolsheviks—all the Russian parties—regard the communists' attitude toward children as the symbol of their new civilization.

"It is to be for the good of humanity, not business," one of them, an American, said, "and the kids represent the future. Our generation is to have only the labor,

the joy, and the misery of the struggle. We will get none of the material benefit of the new system, and we will probably never all understand and like it. But our children—it is for them and their children that we are fighting, so we are giving them the best of it from the start, and teaching them to take it all naturally. They are getting the idea. They are to be our new propagandists."

The idea is that everybody is to work for the common good, and so, as the children and the American prisoners note, when they all produce more, they all get more. They are starving now, but they are sharing their poverty. And they really are sharing it. Lenin eats, like everybody else—only one meal a day—soup, fish, bread and tea. He has to save out of that a bit for breakfast and another bit for supper. The people, the peasants, send him more, but he puts it in the common mess. So the heads of this government do not have to imagine the privations of the people; they feel them. And so the people and the government realize that, if ever Russia becomes prosperous, all will share in the wealth, exactly as they share in the poverty now. In a word, rich Russia expects to become a rich Russian people.

This, then, is the idea which has begun to catch the imagination of the Russian people. This it is that is making men and women work with a new interest, and a new incentive, not to earn high wages and short hours, but to produce an abundance for all. This is what is making a people, sick of war, send their ablest and strongest men into the new, high-spirited, hard-drilled army to defend, not their borders, but their new working system of common living.

And this is what is making Lenin and his sobered communist government ask for peace. They think they have carried a revolution through for once to the logical conclusion. All other revolutions have stopped when they had revolved through the political phase to political democracy. This one has turned once more clear through the economic phase to economic democracy; to self-government in the factory, shop, and on the land, and has laid a foundation for universal profit sharing for the universal division of food, clothes, and all goods, equally among all. And they think their civilization is working on this foundation. They want time to go on and build it higher and better. They want to spread it all over the world, but only as it works. As they told us when we reminded them that the world dreaded their propaganda:

"We are through with the old propaganda of argument. All we ask now is to be allowed to prove by the examples of things well done here in Russia, that the new system is good. We are so sure we shall make good, that we are willing to stop saying so, to stop reasoning, stop the haranguing, and all that old stuff. And especially are we sick of the propaganda by the sword. We want to stop fighting. We know that each country must evolve its own revolution out of its own conditions and in its own imagination. To force it by war is not scientific, not democratic, not *socialistic*. And we are fighting now only in self-defense. We will stop fighting, if you will let us stop. We will call back our troops, if you will withdraw yours. We will demobolize. We need the picked organizers and the skilled workers now in the army for our *shops*, factories, and farms. We would love to recall them to all this needed work, and use their troop trains to distribute our goods and our harvests, if only you will call off your soldiers and your moral, financial, and material support from our enemies, and *the* enemies of our ideals. Let every country in dispute on our borders self-determine its own form of government and its own allegiance.

"But you must not treat us a conquered nation. We are not conquered. We are prepared to join in a revolutionary, civil war all over all of Europe and the world, if this good thing has to be done in this bad way of force. But we would prefer to have our time and our energy to work to make sure that our young, good thing is good. We have proved that we can share misery, and sickness, and poverty; it has helped us to have these things to share, and we think we shall be able to share the wealth of Russia as we gradually develop it. But we are not sure of that; the world is not sure. Let us Russians pay the price of the experiment; do the hard, hard work of it; make the sacrifice—then your people can follow us, slowly, as they decide for themselves that what we have is worth having."

That is the message you bring back, Mr. Bullitt. It is your duty to deliver it. It is mine to enforce it by my conception of the situation as it stands in Russia and Europe to-day.

It seems to me that we are on the verge of war, a new war, a terrible war—the long-predicted class war—all over Europe.

The peace commission, busy with the settlement of the old war, may not see the new one, or may not measure aright the imminent danger of it. Germany is going over, Hungary has gone, Austria is coming into the economic revolutionary stage. The propaganda for it is old and strong in all countries: Italy, France, Spain, Belgium, Norway, Sweden—you know. All men know this propaganda. But that is in the rear. Look at the front.

Russia is the center of it. Germany, Austria, Hungary are the wings of the potential war front of—Bolshevism.

And Russia, the center, has made a proposition to you for peace, for a separate peace; made it officially; made it after thought; made it proudly, not in fear, but in pitiful sympathy with its suffering people and for the sake of a vision of the future in which it verily believes. They are practical men—those that made it. You met them. We talked with them. We measured their power. They are all idealists, but they are idealists sobered by the responsibility of power. Sentiment has passed out of them into work—hard work. They said they could give one year more of starvation to the revolution, but they said it practically, and they prefer to compromise and make peace. I believe that, if we take their offer, there will be such an outcry of rage and disappointment from the Left Socialists of Germany, Italy, France, and the world, that Lenin and Trotsky will be astonished. The Red Revolution—the class war—will be broken, and evolution will have its chance once more in the rest of Europe. And you and I know that the men we met in Moscow see this thus, and that they believe the peace conference will not, can not, see it, but will go on to make war and so bring on the European revolution.

But your duty, our duty, is to point out this opportunity, and to vouch for the strength and the will and the character of Lenin and the commissaires of Russia to make and keep the compact they have outlined to you. Well, this is the briefest way in which I can express my full faith:

Kautsky has gone to Moscow. He has gone late; he has gone after we were there. He will find, as we found, a careful, thoughtful, deliberate group of men in power; in too much power; unremovable and controlling a state of monopoly, which is political, social, economic, financial; which controls or directs all the activities, all the fears, all the hopes, all the aspirations of a great people. Kautsky will speak to revolutionary Russia for revolutionary Germany, and for a revolutionary Europe. There will be an appeal in that; there will be a strong appeal in that to the revolutionary Russian commissaires. But, if I am any judge of character, Lenin and his commissaires will stand by their offer to us until Paris has answered, or until the time set for the answer—April 10—shall have passed. Then, and not until then, will Kautsky receive an answer to his appeal for—whatever it is the Germans are asking.

It is not enough that you have delivered your message and made it a part of the record of the peace conference. I think it is your duty to ask the fixed attention of your chiefs upon it for a moment, and to get from them the courtesy of a clear, direct reply to Russia before April 10.

(The reports of Capt. Pettit are here printed in full, as follows:)

BULLITT EXHIBIT NO. 31.

REPORTS OF CAPT. W. W. PETTIT.

I left Petrograd on March 31. During the past three weeks I have crossed the Finnish border six times and have been approximately two weeks in Petrograd. I have met Tchitcherin, Litvinov, and most of the important personages in the communist government of Petrograd (including Bill Shatov, chief of police).

Briefly, my opinion of the Russian situation is as follows: In Petrograd I presume the present communist government has a majority of the workingmen behind it, but probably less than half of the total population are members of the communist party. However, my conclusions are based on conversations with not only communists, but also many opponents of the communist government, members of the aristocracy, business men, and foreigners, and I am persuaded that a large majority of the population of Petrograd if given a choice between the present government and the two alternatives, revolution or foreign intervention, would without hesitation take the present government. Foreign intervention would unite the population in opposition and would tend to greatly emphasize the present nationalist spirit. Revolution would result in chaos. (There is nowhere a group of Russians in whom the people I have talked with have confidence. Kolchak, Denikin, Yudenvitch, Trepov, the despicable hordes of Russian emigrees who haunt the Grand Hotel, Stockholm; the Socithans House, Helsingfors; the offices of the peace commission in Paris, and squabble among themselves as to how the Russian situation shall be solved; all equally fail to find many supporters in Petrograd.) Those with whom I have talked recognize that revolution, did it succeed in developing a strong government, would result in a white terror comparable with that of Finland. In Finland our consul has a record of 12,500 executions in some 50 districts, out of something like 500 districts, by the

White Guard. In Petrograd I have been repeatedly assured that the total Red executions in Petrograd and Moscow and other cities was at a maximum 3.200.

It may seem somewhat inconsistent for the Russian bourgeoisie to oppose allied intervention and at the same time fail to give whole-hearted support to the present government. They justify this attitude on the grounds that when the two great problems of food and peace are solved the whole population can turn itself to assisting the present régime in developing a stable efficient government. They point to the numerous changes which have already been introduced by the present communist government, to the acknowledgment that mistakes have been made, to the ease of securing introduction of constructive ideas under the present régime. All these facts have persuaded many of the thinking people with whom I have talked to look to the present government in possibly a somewhat modified form as the salvation of Russia.

At present the situation is bad. Russia is straining every nerve to raise an army to oppose the encircling White Guards. That the army is efficient is demonstrated by the present location of Soviet forces who have contended with the Russian White Guard supported by enormous sums of money, munitions, and even soldiers from the Allies. Naturally, transportation is inefficient; it was horrible in the last year of the Czar's régime. Absolute separation from the rest of the world, combined with the chaotic conditions which Russia has passed through since the 1917 revolution, plus the sabotage, which until recently was quite general among the intelligent classes, including engineers, has resulted in a decrease in rolling stock. The transportation of the enormous army which has been raised limits the number of cars which can be used for food. The cutting off of Siberia, Finland, the Baltic Provinces, and until recently the Ukraine, made it necessary to establish new lines of food transportation. Consequently there has been great suffering in Petrograd. Of the population of a million 200,000 are reported by the board of health to be ill, 100,000 seriously ill in hospitals or at home, and another 100,000 with swollen limbs still able to go to the food kitchens. However, the reports of people dying in the streets are not true. Whatever food exists is fairly well distributed and there are food kitchens where anyone can get a fairly good dinner for 3.50 rubles.

For money one can still obtain many of the luxuries of life. The children, some 50,000 of whom have been provided with homes, are splendidly taken care of, and except for the absence of milk have little to complain of. In the public schools free lunches are given the children, and one sees in the faces of the younger generation little of the suffering which some of the older people have undergone and are undergoing. Food conditions have improved recently, due to the suspension of passenger traffic and the retaking of the Ukraine, where food is plentiful. From 60 to 100 carloads of food have arrived in Petrograd each day since February 18.

Perhaps it is futile to add that my solution of the Russian problem is some sort of recognition of the present government, with the establishment of economic relations and the sending of every possible assistance to the people. I have been treated in a wonderful manner by the communist representatives, though they know that I am no socialist and though I have admitted to the leaders that my civilian clothing is a disguise. They have the warmest affection for America, believe in President Wilson, and are certain that we are coming to their assistance, and, together with our engineers, our food, our school-teachers, and our supplies, they are going to develop in Russia a government which will emphasize the rights of the common people as no other government has. I am so convinced of the necessity for us taking a step immediately to end the suffering of this wonderful people that I should be willing to stake all I have in converting ninety out of every hundred American business men whom I could take to Petrograd for two weeks.

It is needless for me to tell you that most of the stories that have come from Russia regarding atrocities, horrors, immorality, are manufactured in Viborg, Helsingfors, or Stockholm. The horrible massacres planned for last November were first learned of in Petrograd from the Helsingfors papers. That anybody could even for a moment believe in the nationalization of women seems impossible to anyone in Petrograd. To-day Petrograd is an orderly city—probably the only city of the world of its size without police. Bill Shatov, chief of police, and I were at the opera the other night to hear Chaliapine sing in Boris Gudnov. He excused himself early because he said there had been a robbery the previous night, in which a man had lost 5,000 rubles, that this was the first robbery in several weeks, and that he had an idea who had done it, and was going to get the men that night. I feel personally that Petrograd is safer than Paris. At night there are automobiles, sleighs, and people on the streets at 12 o'clock to a much greater extent than was true in Paris when I left five weeks ago.

Most wonderful of all, the great crowd of prostitutes has disappeared. I have seen not a disreputable woman since I went to Petrograd, and foreigners who have been there for the last three months report the same. The policy of the present government

has resulted in eliminating throughout Russia, I am told, this horrible outgrowth of modern civilization.

Begging has decreased. I have asked to be taken to the poorest parts of the city to see how the proole in the slums live, and both the communists and bourgeoisie have held up their hands and said, "But you fail to understand there are no such places." There is poverty, but it is scattered and exists among those of the former poor or of the former rich who have been unable to adapt themselves to the conditions which require everyone to do something.

Terrorism has ended. For months there have been no executions, I am told, and certainly people go to the theater and church and out on the streets as much as they would in any city of the world.

(Certain memoranda referred to in the hearing relating to the work of Capt. Pettit in Russia are here printed in full as follows:)

BULLITT EXHIBIT No. 32.

MEMORANDUM.

From: W. W. Pettit.
To: Ammission, Paris.
(Attention of Mr. Bullitt.)

1. *Mr. Pettit's recent movements.*—On March 18 I left Helsingfors for Petrograd and remained there until March 28 when I left for Helsingfors, at which place I received a cable ordering me to report immediately to Paris. On the 29th I left again for Petrograd to secure some baggage I had left. On the 21st I left Petrograd for Helsingfors. On April 1st I left Helsingfors for Stockholm and in Stockholm I find a telegram asking me to wait until I receive further orders.

2. *Optimism of present government.*—On the night of the 30th and the afternoon of the 31st I had several hours with Schlovsky, Tchitcherin's personal representative in Petrograd. He was disappointed to think I was to return to Paris, but felt certain that inasmuch as the orders recalling me had been sent before Mr. Bullitt's arrival, there was every possibility of my being returned to Petrograd. He was most optimistic about the future and felt that the Allies must soon take some definite stand regarding Russia, and that the result of the Paris negotiations would almost surely be favorable to the soviet government. He said that the present war conditions and the limited transportation facilities, with the shortage of food resulting therefrom, had handicapped his government enormously, and that everyone hopes that soon the action of the allied powers will permit the establishment of normal relations in Russia.

3. *Radios in re Bullitt.*—He has received at least three radio communications from the American press in which Mr. Bullitt's activities have been mentioned and this has tended to encourage him. The last cablegram stated that Mr. Bullitt was preparing a statement regarding conditions in Russia which the press anticipated would go far toward dispelling ignorance and misinformation regarding conditions in Moscow and Petrograd.

4. *Hungarian situation.*—The Hungarian situation has also gone far toward encouraging the present Government. Hungary has proposed a mutual offensive and defensive alliance with Russia. The fact that the soviet government has been instituted in Hungary without bloodshed up to the present, and with little opposition on the part of the people, has also encouraged Schlovsky. He stated that the action of the Allies in sending troops against Hungary was to be regretted because of the bloodshed which would probably result. However, he thought in the long run that the Allies would find it a suicidal policy to try to suppress the Hungarian revolution by force.

5. *The Ukraine situation.*—The soviet troops have taken almost the entire Ukraine and this with the food supplies which it will provide have strengthened the soviet government. A friend who has recently returned from Peltava, Ekaterinoslav, Kiev, and other southern cities, states that food is abundant and cheap. The soviet government believes that the French and Greek troops are withdrawing from Odessa and going to Sebastopol. They anticipate taking Odessa within the next few days.

6. *Esthonian situation.*—At least twice within the last two weeks Esthonia has sent word to the soviet government that it desired peace. The following four points have been emphasized by the Esthonians: (1) That peace must come immediately; (2) that the offer must come from the soviet government; (3) that a fair offer will be accepted by the Esthonians immediately without consultation with France or England, who are supporting them; (4) that free access to Esthonian harbors and free use of Esthonian railroads will be assured the soviet government.

7. *The Lithuanian situation.*—It is fairly well understood that the Lithuanian Government that is fighting the Bolsheviks is not going to allow itself to be made a tool by the French and British Governments to invade Russian territory. The Lithuanian Government is desirous of securing possession of Lithuanian territory, but beyond that it is understood it will not go.

8. *The Finnish situation.*—The soviet government is in close touch with the Finnish situation and has little fear of an invasion of Russia from that direction. The Finnish Army is without question a third Red; probably a half Red; possibly two-thirds Red. There is even reported to be a tendency on a part of certain of the White Guards to oppose intervention in Russia. One of the Finnish regiments in Esthonia has returned to Finland, and it is supposed that it will assist the proposed revolution of the Finns in East Karelia against the soviet government. The soviet government has sent a committee to Helsingfors to arrange economic relations with Finland, and it is said that this committee carries threats of reprisals on the part of the soviet government against the Finns in Petrograd unless the treaty is negotiated. It is said in Petrograd that some of the Finns have already left Petrograd in anticipation that the Finnish Government will not be permitted to make any arrangement with the soviet government because of the attitude of certain of the allied representatives in Helsingfors.

9. *Improvement in food conditions.*—The suspension of passenger traffic from March 18 to April 10 has resulted in the Government bringing to Petrograd 60 to 100 cars of food each day, and one sees large quantities of food being transported about the city. At Easter time it is hoped to be able to give 3 pounds of white bread to the population of Petrograd. There also seems to be a larger supply of food for private purchase in the city. Mr. Shiskin has recently been able to buy 3 geese, a sucking pig, 2 splendid legs of veal, and roasts of beef at from 40 to 50 rubles a pound, which, considering the value of the ruble, is much less than it sounds. Shiskin has also been able recently to get eggs, milk, honey, and butter, together with potatoes, carrots, and cabbage. My bill for food for 11 days with Mr. Shiskin was about 1,300 rubles.

10. *Order in Petrograd.*—About three weeks ago there were several strikes in factories in Petrograd and Lenin came to talk to the strikers. Apparently the matter was settled satisfactorily and the workers were given the same bread rations that the soldiers receive. At the Putilov works some 400 men struck and part of them were dismissed. Both Shatov and the director of factories said that there were no executions, though the population the next morning reported 80 workers shot and that afternoon the rumor had increased the number to 400. There is practically no robbery in the city. Shatov left the opera the other night early because he told me the previous night a man had lost 5,000 rubles and it was such an exceptional thing to have a robbery that he was going out personally to investigate the matter, having some idea as to who was responsible.

11. *Currency plans.*—Zorin tells me that the soviet government has or had printed a new issue of currency which it is proposed to exchange for the old currency within the next three months. The details of the plan have not been completed but he thinks that an exchange of ruble for ruble will be made up to 3,000; an additional 2,000 will be placed on deposit in the government bank. That beyond 5,000 only a small percentage will be allowed to anyone, and that a limit of possibly 15,000 will be placed beyond which no rubles will be exchanged. Then the plan is, after a certain period to declare the old ruble valueless. Zorin feels that as a result of this plan the new ruble will have some value and that the present situation in the country in which the farmer has so much paper that he refuses to sell any longer for money, will be relieved. This exchange would be followed later on by the issue of still other currency the entire purpose being the more equal distribution of wealth and the gradual approach to elimination of currency.

12. *Concessions.*—It is asserted that the northern railway concession has been signed and Amundsen tells me that all negotiations were accomplished without the payment of a single cent of tea money, probably the first instance of the absence of graft in such negotiations in the history of Russia. He says that Trepov, through his agent Borisov, at Moscow, was the greatest opponent of the Norwegian interests. Trepov was formerly minister of ways and communications and is reported to have been refused a similar concession under the Czar's government. Amundsen claims that Trepov has made every effort to secure this concession from the Soviet government. I am attaching a statement regarding a concession which is supposed to have been granted to the lumber interests. There are rumors that other concessions have been granted.

13. *Y. M. C. A.*—Recently the Y. M. C. A. secretary arrived in Petrograd, claiming to have come without authorization from his superiors. He has been staying at the embassy but recently went to Moscow at the invitation of Tchitcherin. Schovsky tells me that the American has plans for the establishment of the Y. M. C. A. in Russia

which he wanted to put before the Moscow government. Schovsky doubted that it would be feasible to organize in Russia at present a branch of the International association unless some rather fundamental modifications were made in their policy.

14. *Treadwell.*—I have twice asked Schovsky to secure information regarding Treadwell, and he assures me that he has taken the matter up with Moscow, but that apparently they have had no news from Tashkent as yet. He promised to let me know as soon as anything was heard.

15. *Attitude toward United States.*—The degree of confidence which the Russians and the soviet officials show toward our Government is to me a matter of surprise, considering our activities during the past 18 months. There seems to be no question in the minds of the officials in Petrograd whom I have met that we are going to give them an opportunity to develop a more stable form of government, and they apparently look upon President Wilson as one who is going to decide the question on its merits without being influenced by the enormous pressure of the Russian immigre and the French Government. Doubtless part of this attitude is due to the favorable impression created by Mr. Bullitt, but much of it must be the result of information which they have secured from the press. At the present moment the United States has the opportunity of demonstrating to the Russian people its friendship and cementing the bonds which already exist. Russia believes in us, and a little assistance to Russia in its present crisis will result in putting the United States in a position in Russia which can never be overthrown by Germany or any other power.

16. *Social work.*—I have recently sent a cable from Helsingfors regarding health and sanitary conditions in Petrograd, a copy of which I am attaching. I have spent the past two weeks visiting schools and the children's homes in Petrograd. There are 30,000 children for whom homes have been provided in the past nine months, and preparations are being made to house 10,000 more. Homes of immigres are being taken over and groups of 40 children placed in them under the care of able instructors; where the children are old enough they go to school during the daytime. A beautiful home life has been developed. The children are well fed and well clothed, and there is a minimum of sickness among them. At the present time, when so much disease exists in Petrograd, and when there is so much starvation, the healthy appearance of these thousands of children, together with the well-fed condition of children who are not in institutions, but are receiving free meals in schools, is a demonstration of the social spirit behind much of the activities of the present government. I shall send later a more detailed statement of some of the interesting things I have learned about this I base of the activities of the new régime.

17. *Conclusion.*—In this rather hastily dictated memorandum which Mr. Francis is going to take to-night to Paris I have tried to point out some of the things that have interested me in Petrograd. Naturally I have emphasized the brighter side, for the vast amount of absolutely false news manufactured in Helsingfors and Stockholm and sent out through the world seems to me to necessitate the emphasizing of some of the more hopeful features of the present government. Naturally the character of the Russian people has not changed to any great extent in 18 months, and there is doubtless corruption, and there is certainly inefficiency and ignorance and a hopeless failure to grasp the new principles motivating the government on the part of many of the people. A people subjected to the treatment which Russians have had during the last 200 years can not in one generation be expected to change very greatly, but personally I feel the present government has made a vast improvement on the government of the Czar as I knew it in 1916–17. Without doubt the majority of the people in Petrograd are opposed to allied intervention or revolution and wish the present government to be given a fair chance to work out the salvation of Russia. One of the most hopeful symptoms of the present government is its willingness to acknowledge mistakes when they are demonstrated and to adopt new ideas which are worth while. Personally I am heart and soul for some action on the part of the United States Government which will show our sincere intention to permit the Russian people to solve their own problems with what assistance they may require from us.

STOCKHOLM, *April 4, 1919.*

SOCIAL WORK IN PETROGRAD.

The wife of Zinoviev, Madame Lelina, is in charge of the social institutions in the city of Petrograd. This does not include the public schools, which are under another organization. Madame Lelina is a short-haired woman, probably Jewish, of about 45. She has an enormous amount of energy, and is commonly supposed to be doing at least two things at the same time. The morning I met her she was carry-

ing on two interviews and trying to arrange to have me shown some of the social work she is directing. There seemed to be little system about her efforts. Her office was rather disorderly, and her method of work seemed very wasteful of time and effort, and very much like the usual Russian way of doing things. Bill Shatov, formerly organizer of the I. W. W., who is commissar of police for Petrograd and also commissar for one of the northern armies, introduced me to Madame Lelina, and accompanied me the first day on our visits. We were guided by a young woman by the name of Bachrath, who is a university graduate and lawyer, and since the legal profession has fallen into disrepute, has turned her efforts toward social work.

Under her guidance I spent three days visiting institutions. I saw a boarding school for girls, a boarding home for younger children, an institution for the feeble-minded, three of the new homes organized by the soviet government, and two small hospitals for children.

The institutions which Madame Lelina is directing are in two groups: First, those which she has taken over from the old Czar régime, and second, those which have been founded in the last 18 months. The new government has been so handicapped by the difficulties of securing food and other supplies, by the sabotage of many of the intelligent classes, and by the necessity of directing every energy toward carrying on hostilities against the bourgeoisie and the Allies, that there has been little opportunity to remodel the institutions inherited from the previous régime, therefore neither the strength nor the weakness of these institutions is to any great extent due to the present régime. Two of the institutions I visited were of this type, one happened to be very good and the other very bad, and in neither case did I feel that Lelina's organization was responsible.

An aristocratic organization under the Czar maintained a boarding school for girls. This has been taken over by the soviet government with little change, and the 140 children in this institution are enjoying all the opportunities which a directress trained in France and Germany, with an exceptionally skillful corps of assistants, can give them.

I inquired regarding the changes which the soviet government had made in the organization of this school. Some of the girls who were there have been kept, but vacant places have been filled by Madame Lelina's committee, and the institution has been required to take boys into the day school, a plan which is carried out in most of the soviet social and educational work. Much more freedom has been introduced in the management of the institution, and the girls at table talk and walk about, much as though they were in their own homes. The soviet government requires that certain girls be permitted membership in the teachers' committee, and the two communists accompanying me pointed to this as a great accomplishment. Privately, the teachers informed me they regarded it as of little significance, and apparently they were entirely out of sympathy with the innovations that the new government has made. Now all the girls are required to work in the kitchen, dining room, or in cleaning their own dormitories, and certain girls are assigned to the kitchen to oversee the use of supplies by the cooks. However, the whole institution, from the uniforms of the girls to the required form in which even hand towels have to be hung, indicates the iron will of the directness. In one class we visited the girls sat at desks and listened to a traditional pedagogue pour out quantities of information on Puchkin's Boris Gudonov. Occasionally the girls were called upon to react, which they did with sentences apparently only partially memorized. The spirit of the institution is behind that of our better institutions in America, and the spirit of the classroom is quite mediaeval.

The greatest objection which the teachers seem to have to soviet activities is the question of sacred pictures and religious observances. The chapel of the school has been closed, but in each room from the corner still hangs the Ikon and at the heads of many of the girls' beds there are still small pictures of the Virgin, much to the disgust of the representatives of the soviet government, who in many cases are Jewish, and in practically all cases have renounced any religious connection. Recently the Soviet Party has announced the fact that they as a party are not hostile to any religion, but intend to remain neutral on the subject. The attitude of the commissars apparently is that required religious observances should not be permitted in public institutions, and doubtless some of the inspectors have gone further than was necessary in prohibiting any symbol of the religion which probably most of the children still nominally adhere to.

The second institution I visited, which had been taken over from the old government, was an orphan asylum with some 600 children mostly under 10. It was frightfully crowded, in many places rather dirty, with frequently bad odors from unclean toilets. In one little room some 20 small boys were sleeping and eating, and I found one child of 2 who was not able to walk and was eating in the bed in which he slept.

Ventilation was bad, linen not very clean, a general feeling of repression present, slovenly employees, and, in general, an atmosphere of inefficiency and failure to develop a home spirit which one still finds in some of the worst institutions in America. The instructor who showed me this home realized its horrors, and said that the Government intended to move the children into more adequate quarters as soon as conditions permitted. In summer the children are all taken to the country. In this institution all the older children go out to public schools and there have been no cases of smallpox or typhus in spite of the epidemics the city has had this winter. Forty children were in the hospital with minor complaints. About 10 per cent of the children are usually ill.

The school for feeble-minded occupies a large apartment house and the children are divided into groups of 10 under the direction of two teachers, each group developing home life in one of the large apartments. There is emphasis on handwork. Printing presses, a bookbinding establishment, and woodworking tools are provided. Music and art appreciation are given much time, and some of the work done is very beautiful. This school is largely the result of the efforts of the soviet government. Careful records are kept of the children and simple test material has been devised to develop in the more backward children elementary reactions regarding size, shape, form, and color. The greatest difficulty is the impossibility of securing trained workers either for the shops or for the special pedagogical problems of the school. However, an energetic corps of young men and young women are employed, and they are conscious of the size of their problem and are already thinking of the difficulties of sending their students back into industrial life.

In many of the activities of the soviet government, as well as in these institutions taken over from the old régime, I was dismayed at the inefficiency and ignorance of many of the subordinates. After talking to the leaders and getting some understanding of their ideals, an American expects to see these carried over into practice. One is liable to forget that the Russian people have not greatly changed, and that the same easy-going, inefficient attitude of decades of the previous régime still exists. No one knows this obstacle better than the members of the present régime. They realize that the character of the Russian people is their greatest obstacle, and change in the Russian conception of Government service is a slow process. Far from being discouraged, they point to their accomplishments with pride.

During the last nine months Madame Lelina has taken 30,000 children into Government homes and preparations are made to take 10,000 more during the next three months. The three new institutions which I visited are attractive suburban homes of wealthy emigrees. The Government has taken these over and is putting groups of 40 children in charge of specially selected and trained men and women. The older children go out to school. For the younger children kindergarten activities are provided and much time is spent out of doors. An atmosphere of home life has been developed which is surprising considering the short time the institutions have been organized and the difficulties they have had to contend with. This plan, which I am told is permanent, is a most encouraging feature of Madame Lelina's work.

Requests to have children placed in the Government institutions are turned over to a special corps of investigators. In each house there is what is known as a poor committee which must also approve the requests and the local soviet is required to pass upon the commitment of the child to an institution. The large number of children taken over by the city is due to the number of orphans and half orphans caused by the war and to the impossibility of many poor families providing their children with food during the recent famine. In cases where several children of a family are taken they are placed in the same home. Frequent opportunities for relatives to visit the homes are provided. The amount of sickness has been surprisingly low considering the great amount of disease in Petrograd during the last few months. In one group of 300 children there have been no deaths within the past nine months, and among all the children there have been very few cases of contagious diseases.

The difficulties which Madame Lelina faces are numerous. First, Russia has never had an adequate number of trained workers and many of those who were trained have refused to cooperate with the present régime, and, secondly, though the soviet government has adopted the policy of turning over to the children's homes and the schools an adequate supply of food, regardless of the suffering of the adult population, still it has been impossible to get certain items of diet, as, for instance, milk. It is true, however, that among these children one sees few signs of undernourishment or famine, and in general throughout the city the children seem much better nourished than the adult population.

I had planned to visit other institutions but was unable to do so. I was told of a large palace which has been taken over as a home for mothers. Here all women who so desire are sent after childbirth with their children for a period of two months.

The health department, which asserts that there are in addition to the 100,000 bedridden people in the city, another 100,000 who are ill because of undernourishment though able to go to the food kitchens, has been very successful in securing from the local soviets special food supplies to be provided sick persons on doctors' orders. At each food kitchen the board of health has a representative whose business it is to give such special diet as may be possible to undernourished individuals.

(The following communication from Mr. George Gordon Battle, on behalf of the League of Esthonians, Letts, Lithuanians, and Ukrainians and the Mid-European Association, was ordered printed in the record:)

BRIEF ON BEHALF OF THE ESTHONIANS, LETTS, LITHUANIANS, AND UKRANIANS.

LAW OFFICES OF O'GORMAN, BATTLE & VANDIVER,
37 WALL STREET,
New York City, September 7, 1919.

Hon. HENRY CABOT LODGE,
Chairman United States Committee on Foreign Relations,
The Capitol, Washington, D. C.

MY DEAR SENATOR LODGE: On behalf of the League of Esthonians, Letts, Lithuanians, and Ukrainians of America, a union for mutual cooperation, having its office at 70 Fifth Avenue, New York City, and also in behalf of the Mid-European Association, which is interested in promoting friendly relations between this country and the nations of Mid-Europe, I am writing you this letter to serve as a memorandum supplementary to the oral presentation to your honorable committee of the claims of these four nations.

These claims are absolutely vital to these four nations. They are fighting for their very national life. It is impossible to exaggerate the seriousness and the importance of their appeal. Therefore they most earnestly pray that you will give (as they are confident that you will give) your serious and careful consideration to their plea.

These four nations, the Esthonians, the Letts, the Lithuanians, and the Ukrainians, have each of them well organized and substantial governments. They have each of them a strong civil government. They have each of them armies in the field fighting against the Germans or the Bolsheviki of Russia. During the Great War their enemies were our enemies. They suffered as we and our allies suffered. They are now seeking to reap the just fruits of their sacrifices and to set up a free and independent State for each nation.

They and each of them respectively apply to your honorable committee that you give to them such aid and comfort as may be in your power to assist them in their struggle for national independence. They are, of course, aware that it is only within the power of the executive branch of our Government to give official recognition to a national government, but the legislative branch, and particularly the Senate (which is peculiarly endowed with the power and charged with responsibility in regard to treaties and other relations with foreign nations) has clearly the power and it is with equal certainty its duty to make appropriate representations to the executive branch in regard to such recognition, and especially at this great juncture of our affairs.

When your committee is investigating the treaty of Paris, which affects our relations with all the nations of the world, it is peculiarly appropriate that you should recommend to the Senate and that the Senate should recommend to the executive branch whether or not recognition should be given to any nations who have had their birth in the great World War which the treaty of Paris is intended to end.

And the subject comes directly within the very terms of the treaty of peace which you are considering. By article 116 and article 117 it is provided as follows:

ARTICLE 116.

"Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

"In accordance with the provisions of article 259 of part 10 (financial clauses) and article 292 of part 10 (economic clauses) Germany accepts definitely the abrogation of the Brest-Litovsk treaties and of all other treaties, conventions, and agreements entered into by her with the Maximalist government in Russia.

"The allied and associated powers formally reserve the rights of Russia to obtain from Germany restitution and reparation based on the principles of the present treaty."

ARTICLE 117.

"Germany undertakes to recognize the full force of all treaties or agreements which may be entered into by the allied and associated powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of any such States as determined therein."

All four of these States now exist and are coming into existence in a part of the former Empire of Russia as it existed on August 1, 1914. It will therefore be entirely proper and within the clear power and duty of your committee in dealing with these two sections of the treaty to mention the fact that these four States have come into existence out of Russian territory and to recommend to the Senate that the Senate recommend to the executive branch of the Government that official recognition be given to these four new Republics.

And, further, the treaty itself in article 433 expressly mentions "the provisional governments of Esthonia, Latvia, and Lithuania." That article reads as follows:

EASTERN EUROPE.

"As a guaranty for the execution of the provisions of the present treaty, by which Germany accepts definitely the abrogation of the Brest-Litovsk treaty, and of all treaties, conventions, and agreements entered into by her with the Maximalist government in Russia, and in order to insure the restoration of peace and good government in the Baltic Provinces and Lithuania, all German troops at present in the said territories shall return to within the frontiers of Germany as soon as the Governments of the principal allied and associated powers shall think the moment suitable, having regard to the internal situation of these territories. These troops shall abstain from all requisitions and seizures and from any other coercive measures, with a view to obtaining supplies intended for Germany, and shall in no way interfere with such measures for national defense as may be adopted by the provisional governments of Esthonia, Letvia, and Lithuania.

"No other German troops shall, pending the evacuation or after the evacuation is complete, be admitted to the said territories."

And indeed all through the treaty the provision as to the delimiting of boundaries and the internationalization or other control of rivers vitally touch the welfare of these four States, and in passing on such provisions it is eminently fit, proper, and just that your committee should recommend the recognition of those nations.

Finally, it is obvious that (even without regard to the express provisions of the treaty which have been mentioned) the question of the recognition of these four republics comes directly and necessarily within the range of the investigation and deliberation of your committee. These republics are part of the ancient Empire of Russia, which was a congeries of heterogeneous nations and races. One of the prime objects of this treaty is to set up on the ruins of these dead autocracies new republics created and established according to the principles of self-determination. Here are four such republics knocking at the door of our great western democracy for recognition. This is no mere technical appeal to the Department of State for official recognition. It is an appeal to the whole people and to the whole Government of our country. It is true that the technical action of recognition must be by the executive branch, but it is equally true that the legislative branch which is investigating this great treaty necessarily including the subject of the recognition of these four young Governments, has the power and is charged with the sacred duty of aiding them to secure their independence. These nations therefore with full confidence in the sympathy of your committee with their national aspirations respectfully ask that you recommend to the Senate that the Senate recommend to the executive branch of the Government the recognition of the independence of each of these four States.

The treaty itself already recognizes several of these new democratic States. It recognizes Poland, it recognizes Czechoslovakia. It is common knowledge that the Austrian treaty will recognize the new State of the Serbs, the Croats, and the Slovenes, as well as other new countries. The question will naturally be asked, just as it was asked at the hearing before your committee: Why was not recognition given by the treaty of Esthonia, Latvia, Lithuania, and Ukrainia? The answer to the question is that which was given at the hearing. The claims of these four countries were not presented to the peace conference at Paris until within a very short time before its conclusion. That conference was, therefore, unable to give full and adequate consideration to these claims. It was not necessary that the claims should be granted or recognized in the treaty itself. Indeed, the treaty expressly recognized in articles 116 and 117 that States now exist and are coming into existence in the future in the

former Empire of Russia as it existed on August 1, 1914, and by the treaty Germany undertakes to recognize the full force of all treaties or agreements which may be entered into by the allied and associated powers with such States now existing, or which may come into existence. And, furthermore, as we have seen, the treaty expressly mentions in section 433 the Provisional Governments of Esthonia, Latvia, and Lithuania.

Furthermore, provisions are made for the entrance of new nations into the proposed league of nations, so that it was not necessary for the peace conference to expressly recognize these four States. It made provision for their recognition in the near future. It provided the machinery for such recognition and for the welcome of these four Republics into the league of nations. Consequently the fact that the peace conference did not expressly recognize these countries is not to be regarded in any sense whatever as a decision unfavorable to their claims.

Your committee will recall that at the hearing on August 29 the claims of the Esthonians were presented by Lieut. Commander Grafton Beale, of the United States Navy, who during his sojourn at Paris in connection with the work of the peace conference became intimately acquainted with the facts and profoundly sympathetic with the cause of the Esthonians. There were present other witnesses, native Esthonians, as well as Americans, who were prepared to supplement the appeal of Lieut. Commander Beale with specific and detailed information.

The claims of Latvia were presented by the Rev. Carl Podin, a minister in the Great Seaman's Church Institute of New York, a native of Latvia, and a gentleman of the highest character and ability, and fully informed on the subject. As in the case of Esthonia other witnesses were present to give additional details as desired.

The cause of Ukraine was advocated by Mr. E. Revyuk, a native of Ukraine, a journalist and publicist, who was very accurately informed in regard to the history, past and present, and the conditions of his country. Other witnesses, both natives of Ukraine, as well as Americans, were present to substantiate his statements and to give further information.

The claims of Lithuania were presented by Mr. John S. Lopatto, a native of Lithuania, an attorney of distinction, and an assistant district attorney for the county of Luzerne, in Pennsylvania, in which the city of Wilkes-Barre is located. Many other gentlemen, both of Lithuanian birth, as well as Americans, were present to give testimony on behalf of Lithuania had the time allotted been sufficient.

As counsel for the League of Four Nations and for the Mid-European Association, I made a brief introductory statement and then presented Mr. R. J. Caldwell, a well-known manufacturer and public spirited citizen of New York, President of the Mid-European Association, who had been abroad and spent many days in Europe, and especially in Paris at the time of the conference under the auspices of the Department of Labor, to promote economic and friendly relations between this country and the Mid-European nations, old and new. Mr. Caldwell has carefully studied the subject and made a most vigorous and persuasive address.

After him followed the representatives of the four nations in the order which I have mentioned. I beg to call your attention to the report of these proceedings taken down by your stenographer, and to the very convincing arguments advanced by the speakers. I shall not, of course, attempt to repeat those arguments within the limits of this letter. I shall only very briefly recapitulate the chief grounds upon which these four new Republics ask the aid of your committee. Before doing so, however, let me very earnestly express the sincere and deep gratitude of the organizations and individuals whom I represent in this matter that your committee has accorded to them a hearing. It is a source of pride as well as gratitude that the Senate of the United States, acting through its honorable and responsible Committee on Foreign Relations, has given to these new and struggling democracies a day in court—an opportunity to be heard. They look to you with confidence for the aid and assistance which our country has never failed to give to oppressed nations struggling for freedom and for a democratic form of government. The Monroe doctrine was established primarily to protect the new Republics of South America against the encroachments of Spain and the other autocratic governments of Europe. We welcomed with joy the French Republic, which came into existence so soon after our own. We sympathized very materially with Poland in its struggle for independence. Throughout our national existence we have offered an asylum to the heroic men and women who have struggled for democracy against tyranny in Russia, in Austria, in Germany, and elsewhere. At this very moment we have by the treaty of Paris, and by the universal consent of our allies, welcomed into the family of nations the new Republics of Poland and of Czecho-Slovak. We have recognized the new State of Jugo-Slavia. Assuredly we shall not turn the deaf ear to the appeal of these four nations along the Baltic Sea stretching down into southern Russia, who have so long contended against the aggressions and the tyranny of the Russian and German Empires.

These four nations make this application on the grounds both of justice and of expediency. Their claims are just and expedient, because:

1. Each of these four nations, the Esthonians, the Letts, the Lithuanians, and the Ukrainians, constitute a separate and distinct racial stock, with traditions deeply rooted in the past, with powerful racial sympathies drawing the people of these nations closely together, and with bonds of tradition and interest which make out of each people a true nation, a real State. Each of them present that curious complex of inherited tradition of racial sympathy, of kinship in blood and tongue, of mutual interests which goes to make up a nation and which arouses in the breasts of their citizens that deepest and noblest of all human emotions, true, sincere and disinterested patriotism.

2. Each people thus constituting a nation is entitled under the sacred principle of self-determination to be recognized as a complete and independent nation.

3. Each nation has already a substantial well-organized and permanent government. It has a civil government and it supports a disciplined army and navy. While the government may be called provisional because it is new, it is in no sense an experimental government. On the contrary, it is the natural government of the nation, and it is absolutely secure and safe against everything except external aggression and attack. The government of each nation fully answers the requirement that the government must be on a solid and substantial footing before it can be recognized by other nations.

4. These nations deserve recognition because of their services in the great war. While Russia was one of our Allies, the armies of the Esthonians, the Letts, the Lithuanians, and Ukrainians fought with devoted bravery against the central powers. They, in common with the other soldiers in the Russian armies at that time, were sold out and betrayed by their own Government and their own officials. Nevertheless, they fought with splendid bravery and died by the hundreds of thousands for the same cause of freedom for which we were fighting. After the collapse of the Russian Empire these nations set up their own governments, and have since fought and are now fighting with the same bravery against the onslaught of the Bolsheviki government of Moscow. Surely we must be grateful for the services which they have rendered and are rendering to us and to our allies. Surely we should give them such aid as is within our power.

5. Many of the great powers have already recognized one or the other of these four nations. You will recall that testimony was given on this point at the hearings, and your attention is respectfully called to the minutes of the hearings on this point.

6. These four governments are all republican in their character; they are modeled after the French Republic, with a president and a premier. It is the original and traditional policy of our Government to give aid and comfort to new democracies. On this principle we should aid these four new republican governments.

7. The recognition of these four nations is necessary in order to complete the chain of buffer States between Germany and Russia. You will see from a glance at the map that unless these four nations are established and maintained Germany will be able to penetrate into Russia to the north through Lithuania, and by way of the Baltic Sea through Esthonia and Latvia, and in the south through Ukraine. As has been well stated, Esthonia is the very gateway to Russia. The same thing is true of Latvia, of Lithuania, and of the Ukraine. It has been our established policy and the policy of our allies to set up a chain of buffer States to keep apart the sinister influence of Germany on the one hand and Bolshevism on the other. The object of this buffer has been twofold. In the first place, it is essential to prevent the penetration, economic and political, of Russia by Germany. In the second place, it is essential to prevent extension to the west of the insidious doctrines of bolshevism. The erection and maintenance of these four new nations will complete this chain of buffer States. Otherwise the chain will be incomplete, and as it is no stronger than its weakest link it will fail to give the necessary protection and to achieve the objects for which such a buffer is desired.

8. The maintenance and establishment of these four new nations is essential to the peace of the world, because if their national aspirations are not satisfied they will each constitute a center of festering discontent and unrest, which will be a constant danger to peace. We have seen how the open sore of Alsace-Lorraine has kept alive the hatred between France and Germany. We have seen how the suppression of the national aspirations of Poland has made that unfortunate country a constant storm center. The same thing is true of Jugo-Slavia and of all the oppressed nations. The Esthonians, the Letts, the Lithuanians, and the Ukranians have always aspired for national freedom and independence. Of recent years the heavy hand of the Russian Czar has kept them in subjection. With them as with Finland there has always been discontent and unhappiness. It is only by applying the principle of self-determination and by giving to these four nations the freedom and independent government

to which they are entitled that the questions involved can be justly, finally, and peacefully settled. Otherwise, they will be discontented, the injustice which they have suffered will rankle, and each nation will constantly menace the peace of the world.

9. Each of these nations has great national resources. They are willing and eager to begin trade and commerce with us. Their people are proverbially hardy, industrious, and frugal. They can not begin trade with us with any advantage until we can establish diplomatic representatives within their boundaries and they can likewise set up their consulates and ministers in our country. It is universally conceded that the best cure for the economic collapse in Europe is that industry and commerce shall revive as soon as possible. For this reason, therefore, it is most desirable from the point of view of this country, of Europe, and the four nations themselves, that their independence should be recognized.

10. Suggestion has been made that the Kolchak Government might object to the recognition of these countries. No such suggestion was made at the hearing, and we do not know that the committee will entertain it. But the answer is obvious—the Kolchak Government has not been recognized. It is established in far distant Siberia. These four nations are, like the Kolchak Government, fighting the Bolsheviki. The Kolchak Government has no shadow of power in these four nations. There is no Kolchak Government and no pretense of one anywhere in or about Esthonia, Latvia, Lithuania or Ukraine. It is clear that the Kolchak Government has a sufficient task in maintaining itself in Siberia and in central and eastern Russia, without attempting to prevent the independence of these nations which skirt the western boundaries of the old Russian Empire, and if it is desired to help the Kolchak Government, we can conceive of no better means than to hold up the hands of these four new nations who are so vigorously fighting the Bolsheviki who are engaged in a death struggle with the Kolchak power. So that we do not see how the Kolchak Government has any standing to object to the recognition of these four nations, and, on the other hand, it seems it is clearly to the interest of that government that recognition should be given to them.

11. These nations are now suffering from the occupation in some instances of the German armies and, in the case of Lithuania, from the aggressions of the Poles. It is only just and fair that our Government should do all in its power to strengthen these new republics against this foreign aggression by giving them such recognition, and by taking such other steps as may be appropriate to secure the expulsion of the German armies and in the case of Lithuania of the Polish armies as well, and the return of each to their respective countries.

12. Many of our citizens derive their origin from these four nations. There are many Esthonians, Letts, Lithuanians, and Ukrainians in the United States. There are perhaps 3,000,000 people in this country who are by birth and ancestry sprung from these four nations. There are more than a million Ukrainians, and there are about 1,000,000 Lithuanians, and there are many thousands of Letts and of Esthonians. It is estimated that there were about 75,000 of the American soldiers and sailors in the Great War who sprang from these four nations. These people bought more than $50,000,000 of Liberty and Victory bonds; they contributed to the Red Cross and to all our war works. They have done very much to develop our industries and have been hard-working and industrious citizens. They deserve well of our Republic. They are practically unanimous in their eager and burning desire that this country aid the four nations from which they derive their origin in their efforts to obtain freedom. We submit that this is a very strong argument and consideration in favor of their application.

And now, Senator, these nations submit their case into your hands and into the hands of your committee. They know that your recognition will be a most powerful aid in their cause. They know that you are overwhelmed with many duties. But you have no duty more sacred than this, because upon your decision hangs very largely the fate of these four nations. It is a matter vital to them, to their inhabitants which stretch from the Baltic to the Black Sea; it is vital to their people who have become dwellers in our own free country, and to their children. It is indeed vital to all those who desire to see freedom triumph over oppression. They most respectfully and earnestly beg that you will hearken to their prayer, which is uttered in the voice of eternal justice and right, and that you will grant their just request.

I have the honor to remain,

Very respectfully,

GEO. GORDON BATTLE.

P. S.—I am sending to you, special delivery, parcel post, the following documents and literature, which contain full particulars in regard to these four nations, their present condition, and the reasons why they are entitled to recognition:

1. A document entitled "Memorandum—The Case of Esthonia, Latvie, Lithuania, and Ukraine," presented by The League of Esthonians, Letts, Lithuanians, and

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Ukranians of America; and accompanied by a formal letter dated August 29, 1919, and signed by representatives of each nation of the league.

This memorandum states the case in detail and also states the grievances which they fell and the protests which they desire to make, in addition to their prayer for recognition.

2. "Memorandum of program to be followed at the hearing before the Senate Committee on Foreign Relations upon the presentation of the petition of the Provisional Republican Governments of Lithuania, Latvia, Esthonia, and Ukraine."

3. As to Esthonia: A document entitled "Memoire sur L'Independance de L'Esthonie" presente a La Conference de La Paix par La Delegation Esthonienne; with another document entitled "Addendum au Memoire sur L'Independance de L'Esthonie," presente a la Conference de la Paix par La Delegation Esthonienne. Also another document entitled "The Esthonian Review," dated July 25, 1919, published in London, England.

4. As to Latvia, the country of the Letts, composed of the Provinces of Courland, Livonia, and Latgale, a document entitled "Memorandum on Latvia," addressed to the Peace Conference by the Lettish delegation, accompanied by a letter from John J. Kalnin, Esq., secretary of the Lettish National League of America, 108 East Thirtieth Street, New York, N. Y., addressed to Hon. Henry Cabot Lodge.

5. As to Ukraine: A document entitled "Memorial and Petition for Liberty," presented to the President of the United States and to the Peace Conference in Paris by the delegates of the Ukrainian convention of the State of Connecticut on the 3rd day of August, 1919, in the Ukrainian Hall, New Britain, Conn.; also a document entitled "The Ukraine and the Ukrainians," by Stefan Rudnitsky; also a document entitled "Ukraine on the Road to Freedom," published by the Ukrainian National Committee of the United States; also a document entitled "Memorial, Addressed to His Excellency, the President of the United States, and to the Senators of the United States and Representatives in Congress," dated July 9, 1919, published by the UkrainianNational Committee of the United States; also a document entitled "Resolutions unanimously adopted at the mass meeting attended by 5,000 Americans and representatives of Ukrainians, Lithuanians, Letts, and Esthonians, residing in the United States of America, at Carnegie Hall, New York City, on May 25, 1919, published by Ukrainian National Committee of the United States; also a document entitled "Ukraine, a Monthly Review of Ukrainian Affairs and the Problems of Eastern Europe," published by the Ukrainian Alliance of America.

6. As to Lithuania: A document entitled "Independence for the Lithuanian Nation" or "Lithuania's Case for Independence," issued by Lithuanian National Council in United States of America; a book entitled "The History of the Lithuanian Nation and its Present National Aspirations," published by the Lithuanian Catholic Truth Society; another document entitled "Lithuania Blocks Germany," issued by the Lithuanian National Council, 6 West Forty-eighth Street, New York; also another document entitled "Lithuania and Poland. Why Lithuania should be Free. A Spirit of Arms Could not Crush Her."

We beg that these documents be filed with the records of your committee, so they can be accessible in the future.

(Thereupon, at 12.50 o'clock p. m., the committee adjourned subject to the call of the chairman.)

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